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CHAPTER 1 – ORGANIZATION

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Section 1-101 Title.

This Code shall be known and may be cited as the “Zoning and Development Code of the City of Tempe (ZDC).”

Section 1-102 Purpose and Scope.

A. Purpose and Intent. This Code is adopted to implement Tempe’s General Plan and to promote: public health, safety, convenience, aesthetics and welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision-making; and effective and efficient ~~in~~ development review and land use administration.

(Clarifies that this Code should be effective as well as efficient)

B. Scope. Consistent with the above purpose and intent, this Code: establishes land use classifications; creates zoning districts; imposes regulations, prohibitions and restrictions on land use and development; governs the use of land for residential and non-residential purposes; regulates and limits the height and bulk of buildings and other structures; limits lot occupancy and the size of yards and other open spaces; establishes standards of performance and design; adopts a map of the zoning districts; creates boards and commissions for land use and development decisions and defines the powers and duties of the boards and commissions; prescribes procedures for changes of districts, use permits, development plan and land division approvals, variances and other permits; prescribes penalties for violations of the Code; and repeals Ord. No. 808 and all conflicting regulations.

Section 1-103 How to Use the Zoning and Development Code.

The City of Tempe Zoning and Development Code ("this Code") governs land use and development within the incorporated limits of the City of Tempe. The seven parts of the Code and Appendix are used together in the review of land use and development applications, enforcement of zoning and land use regulations, and implementation of the Tempe General Plan. They are organized as follows:

- A. Part 1 – Introduction and General Provisions.** In addition to this chapter (Chapter 1 – Organization), Part 1 provides information on the legal construction of the Code, enforcement, general provisions (Chapter 2), and information on city officers, boards and commissions (Chapter 3).
- B. Part 2 – Establish Zoning Districts.** Part 2 identifies the city's zoning (land use) districts. Every parcel, lot, and tract of land within the city's incorporated boundaries is located within a zoning district, as depicted on the City of Tempe Zoning Map. Four general types of districts are provided: Residential, Commercial, Mixed-Use, and Office/Industrial. Further divisions within each category provide a range of low to high-density development. Overlay districts are provided for special situations or distinct geographic areas.
- C. Part 3 – Land Use.** Part 3 indicates the land uses that are permitted within each zoning district and provides standards for specific types of land uses. The Code is intended to implement the vision and policies of Tempe's General Plan by reserving land for planned land uses, providing compatibility between different types of uses, and integrating land use and transportation planning.
- D. Part 4 – Development Standards.** Part 4 provides standards for housing density; design; building height, bulk and setbacks; vehicle and bicycle parking; landscapes; access and circulation for pedestrians and vehicles; signs; lighting; and transportation demand management.

(Clarification)

- E. Part 5 – Overlay Districts.** Part 5 contains the city's overlay zoning districts. Overlay zones in Tempe include the following: Rio Salado Overlay District, Southwest Tempe Overlay District, and Light Industrial Overlay District. The geographic boundaries of these areas are shown on the zoning map.
- F. Part 6 – Administration and Process.** Part 6 provides all of the application requirements and procedures for obtaining approvals required by this Code.
- G. Part 7 – Definitions.** Part 7 provides definitions for certain terms and words used in this Code.
- H. Index.** An index is provided to easily reference key terms and phrases.
- I. Appendix.** The Appendix contains a fee schedule, and various administrative rules and guidelines, as may be adopted and updated from time to time by the city departments and divisions. The administrative rules and guidelines provide guidance and direction to applicants, property owners, and city staff; they are not Code standards, although Code standards and approval criteria may refer to these rules and guidelines.

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- Section 1-203** **Compliance and Scope.**
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- Section 1-208** **Official Action.**
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Section 1-201 **Violations and Penalties.**

- A. Violations.** It is ~~unlawful~~ a violation to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, alteration, change, maintenance or use of any house, building, structure, sign, landscape area, parking lot, or fence, or to use or permit the use of any lot or other land contrary to, or in violation of any of the provisions of this Code. Any land use that is specifically prohibited by this Code, or is unspecified and not classified by the Zoning Administrator, is prohibited in any district.

(Clarification of language to be consistent with City Code)

- B. Number of Offenses.** Every such person, firm or corporation shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.
- C. Property Owner is Responsible Party.** The owner or person in possession of any property used in violation of this Code shall be responsible for any violation thereof, whether or not he or she or his or her agent has committed the prohibited act or acts or has neglected to prevent the performance of the prohibited act or acts by another person.
- D. Penalty.** - Any person, firm or corporation violating any of the provisions of this Code and any amendments thereto shall be either:
1. Subject to a civil ~~fine~~ sanction of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1000); or
- (Clarification of language to be consistent with City Code)*

2. Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2500), or by a term of probation not exceeding three (3) years or imprisonment for a term not exceeding six (6) months, or punishable by a combination of fine, probation or imprisonment. The city prosecutor is authorized to file a criminal misdemeanor complaint in the Tempe Municipal Court for violation of this chapter.

E. Commencement of Civil Action, Citation, Contents.

1. Unless otherwise specified, all civil actions for violations of this Code, which are designated as subject to civil sanction or penalty, shall be commenced by delivering a citation to the person responsible for the violation. The citation shall direct the defendant to appear in Tempe Municipal Court or pay the fine imposed within fourteen (14) days after issuance of the citation. The form shall contain a schedule of fines and penalties. The citation shall be served by delivering a copy to the defendant by any of the following means:
 - a. By service upon the defendant;
 - b. By first class mail, postage prepaid, addressed to the defendant at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail;
 - c. By posting the citation on the property where the violation has occurred; or
 - d. By any of the methods described in rules 4, 4.1 or 4.2, Arizona Rules of Civil Procedure.
2. The citation shall contain the date and location of the violation, reference to the Code section or provision violated, and notice that within fourteen (14) days from the date on which the citation was issued the fine for the violation must be paid to and received by the Tempe Municipal Court or a request for a hearing be made to and received by the Tempe Municipal Court; and
3. The citation shall state that if the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount as may be established by this Code for the defendant's failure to appear.

F. Appearance; Payment by Mail.

1. The defendant shall, within fourteen (14) days of the issuance of the citation, appear in person or through his attorney in the Tempe Municipal Court, and shall either admit or deny the allegations contained in the citation, or defendant may proceed as provided in paragraph 2

below. If the defendant admits the allegations, the court shall immediately enter judgment against the defendant in the amount of the fine for the violation charged. If the defendant denies the allegations contained in the citation, the court shall set a date for a hearing of the matter;

2. The defendant may admit the allegation in the citation and pay the fine indicated by mailing the citation together with a check or money order made payable to the Tempe Municipal Court. If admitting the allegation, the defendant may also pay the fine by credit card as prescribed by the court. If payment is not received by the court date provided on the citation, a default judgment will be entered; or
3. Any defendant who appears in the Tempe Municipal Court and denies the allegations as provided in paragraph 1 above shall be deemed to have waived any objection to service of the citation, unless such objection is affirmatively raised by the defendant at the time of the first appearance in relation to the citation.

G. Default Judgment; Collection of Judgments.

1. In addition to any civil sanction imposed, the city court shall assess a default fee of not less than fifty dollars (\$50), unless another amount is specified in the Tempe City Code, for:
 - a. Each default judgment entered upon a failure of the defendant to appear for any civil violation, unless such default judgment is set aside under Rule 28 of the Rules of Procedure in Civil Traffic Violation Cases; or
 - b. A failure to pay any civil sanction imposed by the court.
2. A judge or hearing officer may waive all or part of the default fee if the payment of the fee would cause a financial hardship to the defendant;
3. No judgment may be entered against a fictitiously identified defendant, unless the citation is amended to reflect the true identity of the defendant who received the citation; and
4. The court may enforce collection of delinquent fines, fees, reinspection fees and penalties as may be provided by law. Any judgment for civil sanction pursuant to this article may be collected as any other civil judgment.

H. Rules of Procedure and Appeal. The Arizona Rules of Procedure in Civil Traffic Violation Cases shall be followed by the Tempe Municipal Court for civil citations issued pursuant to this Code, except as modified or where inconsistent with the provisions of the Zoning and Development Code or as modified or established for use by the Tempe Municipal Court or the Arizona Supreme Court.

(This language is intended to address the concern about citation procedures and the difference between a criminal and civil process.)

Section 1-202 Repeal, Saving Clause and Application.

- A. Repeal.** All Codes or parts of Codes in conflict herewith are hereby repealed, including but not limited to, Ord. No. 808.
- B. Saving Clause.** Should any section or provision of this Code be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Code as a whole, or any part thereof other than the part so decided to be unconstitutional or invalid.
- C. Application.** The repeal of the Codes or parts thereof by this Code shall not:
 - 1. Affect suits pending or rights existing immediately prior to the effective date of this Code;
 - 2. Impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any such repealed Code or amendment thereto; or
 - 3. Affect or impair the validity of any bond or other obligation issued or sold and constituting a valid obligation of the issuing authority immediately prior to the effective date of this Code.

Section 1-203 Compliance and Scope.

- A. Compliance.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as allowed in this Code. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or use of land, and to those persons' successors in interest.
- C. Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances.** Variances shall be governed by the provisions of Section 6-310.
- E. Transfer of Development Standards Prohibited.** No lot area, yard, landscape, open space, off-street parking or loading area, or other feature which is required by this Code for one use shall be a required lot area, yard, landscape, open

Section 1-303 Hearing Officer.

- A. Hearing Officer – Created and Purpose.** The Hearing Officer hereafter called "HO" shall be appointed by the City Attorney or his or her designee. The HO conducts public hearings on specific applications and interprets this Code in making decisions on applications.
- B. Hearing Officer – Duties and Powers.** The HO has the power to review and approve, deny, or approve with conditions variances and use permits. The HO also hears appeals regarding the rental housing code and abatements under Tempe City Code. The HO is charged with the following duties:
1. Hear requests for use permits;
 2. Hear requests for variances; and
 3. Prescribe in connection with any use permit or variance such conditions as necessary to fully carry out the provisions and intent of this Code. Violation of any HO condition shall be a violation of this Code.
- C. Hearing Officer – Organization.** Meetings of the HO shall be open to the public. The HO will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, and records of the HO's examinations and other official actions, shall be kept and filed with the City Clerk as a public record.
- D. Hearing Officer – Appeals.** Appeals of the decisions of the HO shall be heard de novo by the Board of Adjustment.

State law reference—Hearing officers in cities, established, appointment, A.R.S. §9-462.08.

Section 1-304 Board of Adjustment.

- A. Board of Adjustment – Created and Purpose.** The Board of Adjustment, hereafter called "BA," is created to provide relief from the terms of this Code and to hear and decide appeals from decisions of the Hearing Officer or Zoning Administrator.

State law reference—See A.R.S 9-4 for appeals of Board of Adjustment decisions.

- B. Board of Adjustment – Duties and Powers.** The BA interprets this Code in hearing and deciding variances, and hearing and deciding appeals from decisions of the ~~zoning administrative hearing officer~~ or Zoning Administrator. The BA shall have the following powers:

(Correct title for hearing officer)

1. Hear appeals from any decision made by the ~~zoning administrative hearing officer~~;

(Correct title for hearing officer)

7. Whenever members are either unable to attend or must decline due to conflict of interest, they shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate BA members to fill any vacancy. In the event that such members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.

D. Board of Adjustment – Appeals. Appeals to BA decisions shall be to Maricopa County Superior Court in conformance with Section 6-803 of this Code.

Section 1-305 Planning and Zoning Commission.

A. Planning and Zoning Commission – Created and Purpose. The Planning and Zoning Commission, hereafter called "PZ," is created to ~~make decisions on major development plans, planned area developments, use permits and variances, and~~ provide analysis and recommendations to the City Council on the city's General Plan, proposed developments, re-zonings and Code amendments. Its purpose is to review all aspects of a proposed and future development including, but not limited to, present and projected growth of the city, site planning and the relationship of the development to the surrounding environment and the community. The PZ recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development, that is therefore considered to be in the best interest of health, safety and general welfare.

(This change would maintain the Commission's authority at the level it is today. Therefore the commission would remain a recommending body instead of decision-making body. This change has been proposed by our City Attorney, as well as, two other land use attorneys. They are concerned that the proposed decision-making authority may not be supported by state law and could prove to be confusing to applicants.)

City code reference—See TCC §25-16 et seq., establishing Planning and Zoning Commission, setting officers, meetings, powers and duties.

State law reference—Planning commission hearings, notices, A.R.S. §9-462.04.

B. Planning and Zoning Commission – Duties and Powers. In carrying out the provisions and intent of the General Plan, the PZ shall have the powers to:

1. Hear requests for subdivisions, amendments to the General Plan, or Code text or district zoning map, and recommend approval, denial or approval with revisions and conditions upon such requests to the City Council;
2. Hear requests for use permits, variances, development plans, and planned area developments, as determined by the Development Services Manager, and as provided in Section 6-309 and Section 6-310 of this

Code, and recommend approval, denial or approval with revisions and conditions upon such requests to the City Council.~~approve, deny, or approve them with revisions and conditions. Violation of any PZ condition shall be a violation of this Code.~~

(See above comments)

C. Planning and Zoning Commission – Organization.

1. The PZ shall consist of seven (7) members and two (2) alternates. The alternates shall serve at the commission meetings whenever a regular board member is unable to attend or must decline due to conflict of interest. All PZ members shall be residents of the city, and shall be appointed by the Mayor with the approval of the City Council. The members of the PZ shall serve for three (3) year terms, unless sooner removed by the council, and their terms shall be staggered so that the terms of at least two (2), but not more than three (3) members conclude in any given year. Nothing herein shall affect the expiration of the current terms of the PZ. Any vacancy shall be filled by the Mayor, with City Council approval, for the unexpired term. The members of the PZ shall serve without compensation.
2. The PZ shall elect a chairperson and vice-chairperson from among its own members who shall have power to administer oaths, take evidence, and set consent agendas.
3. Hearings of the PZ shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member, and records of the board's examinations and other official actions, shall be kept and filed with the City Clerk as a public record.
4. The PZ shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.
5. A quorum consists of four (4) members of the PZ. The concurring vote of four (4) members of the PZ shall be necessary to approve, deny, approve with conditions, or make a recommendation on any application. Any other motion shall be governed by Robert's Rules of Order.
6. The Development Services Manager, or his or her designated representative, shall serve ex officio as secretary of the PZ.
7. Whenever a member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate PZ member to serve. In the event that such members are not sufficiently available to make a quorum, staff

are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.

7.

~~D. Planning and Zoning Commission — Appeals. Appeals of PZ decisions shall be heard by City Council in conformance with the procedures in Section 6-803 of this Code.~~

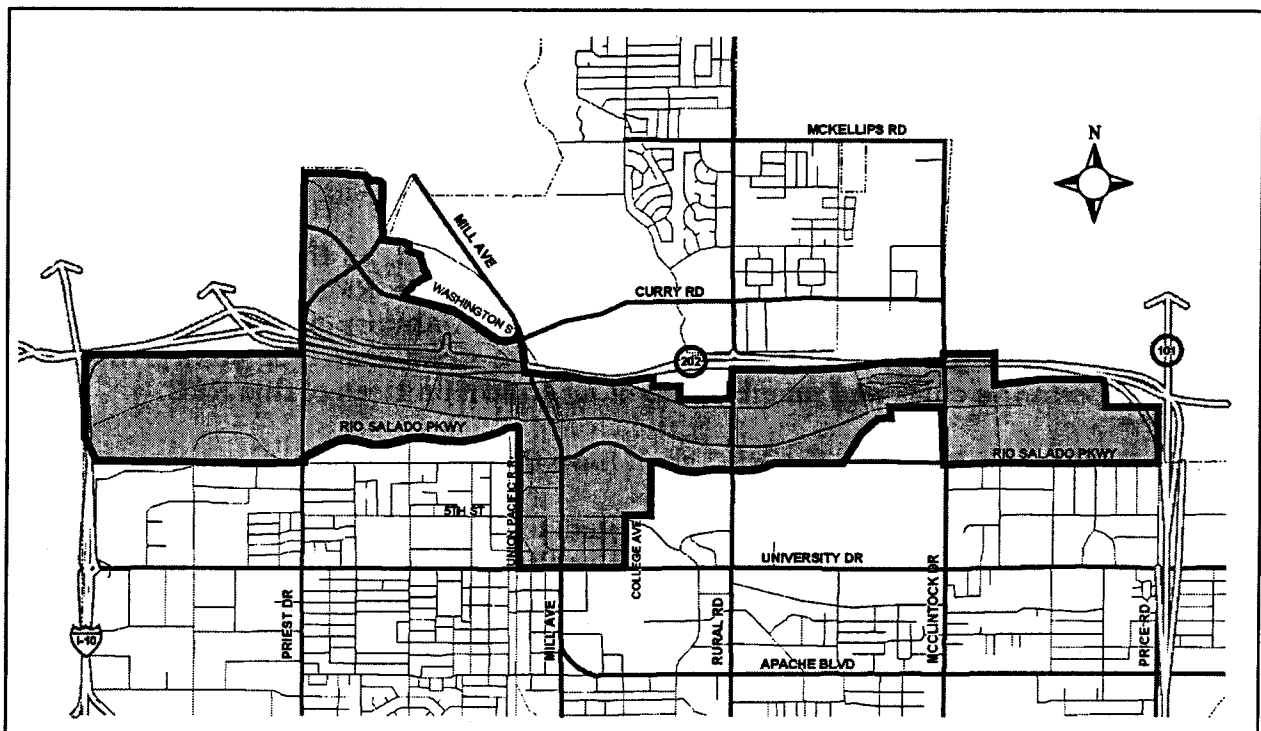
~~*(No longer required if above recommendations are implemented)*~~

Section 1-306 Redevelopment Review Commission.

- A. Established; Purpose and Composition.** There is hereby established the Redevelopment Review Commission, hereafter referred to as RRC, for the purpose of reviewing and making decisions and recommendations on applications, in lieu of the CC, BA, PZ, and Design Review Board (DRB), within the areas described in subsections 1 and 2, below. The RRC shall be composed of seven (7) members and four (4) alternate members. The RRC will review development projects in the following areas of the city:

(Clarification of RRC authority)

1. University-Hayden Butte redevelopment area; and
2. Rio Salado-McClintock redevelopment area



B. Appointment of Members; Terms of Office.

1. The members and alternates of the RRC shall be appointed by the Mayor with the approval of the City Council. Members consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from the Board of Adjustment, one (1) current member from the Design Review Board, one (1) current member from the Rio Salado citizen advisory commission, one (1) current member from the Parks and Recreation Board and two (2) members selected from residents of the city. The four (4) alternate members consist of one (1) current member from the Planning and Zoning Commission, one (1) current member from

the Board of Adjustment, one (1) current member from the Design Review Board and one (1) current member from the Rio Salado citizen advisory commission. The alternates shall serve at the commission meetings whenever a regular commission member is unable to attend or must decline due to a conflict of interest.

2. The term of office for all RRC members appointed from either the PZ, BA, DRB, the Rio Salado citizen advisory commission or the Parks and Recreation Board shall be the equivalent time period of the term that member is serving on their respective board or commission, not to exceed three (3) years beginning on the date of appointment by the Mayor and City Council. The term of office of all remaining RRC members is three (3) years beginning on the date of appointment by the Mayor and City Council.
3. Any vacancies shall be filled for the unexpired term of the member whose office is vacant in the same manner as such member received original appointment.

C. Compensation. Members of the RRC shall receive no compensation for their services as commission members.

D. Officers. The chairperson and such other officers, as the RRC by its rules of procedure may prescribe, shall be selected by the RRC members at the first meeting of the RRC following the first day of January of each year and shall serve until the 31st day of December of the same year. The chairperson shall appoint the chair and membership of all subcommittees of this RRC.

E. Duties and Powers. The RRC shall have the following duties and powers:

1. Except for those powers granted to the Zoning Administrator and HO, and those granted to the CC for subdivisions, amendments to the general plan, code text or zoning map amendments, the RRC shall exercise the powers granted to the CC, PZ, the BA and the DRB consistent with applicable law for those boards and commission for any development action in the:

(Clarifies the authority of the RRC)

- a. University-Hayden Butte redevelopment area; and
- b. Rio Salado-McClintock redevelopment area.
2. Meetings of the RRC shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to testify orally or in writing. The minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions, shall be kept and filed in the office of the development services department as a public record;

3. The RRC shall not adopt rules of procedure that are inconsistent with Section 1-306 or other provisions of this Code;
4. The affirmative vote of four (4) members is required to approve any application or to decide any matter before the RRC. Four (4) members constitutes a quorum of the RRC;
5. Except for appeals, the rules and procedures for advertising, notification and scheduling of hearings before the RRC shall be consistent with the legal standards required for action before the PZ, the BA or the DRB depending upon the individual case subject. If any conflict exists between the provisions of this chapter regarding advertising, notification or scheduling and another applicable law then the stricter standard applies;
6. A person aggrieved by a decision of the RRC or a taxpayer, officer or department of the municipality affected by a decision of the RRC may file, at any time within fifteen (15) days after the RRC has rendered its decision, an appeal with the City Clerk. The City Council will hear the appeal in accordance with procedures adopted by the council and may affirm or reverse, in whole or in part, or modify the RRC's decision;
7. This section, providing for the operation of the RRC, is only in effect for a period of three (3) years after its original effective date, unless further extended by appropriate City Council action; and
8. The Development Services Manager, or his or her designated representative, shall serve ex officio as secretary of the RRC.

Section 1-307 Design Review Board.

A. Design Review Board – Created and Purpose. The Design Review Board, hereafter called “DRB,” is created to review design aspects of proposed developments to encourage, protect, and enhance the functionality, attractiveness, accessibility, and safety of the City of Tempe. The city recognizes that the creation of a desirable environment throughout the city for residents, business and industry is a prime requisite for the preservation of property values, for the development of compatible uses and buildings, and for the preservation of public health, safety and general values. The DRB recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development, that is therefore considered to be in the best interest of health, safety and general welfare.

B. Design Review Board – Duties and Powers. The DRB shall have the power to:

1. Conduct public meetings to review requests for major development plan approval for industrial developments, commercial developments, public facilities (excluding public schools) and multi-family developments. See

also, Section 6-307B, for description of major versus minor development plan;

(Clarifies authority of DRB)

2. Review development applications, including: plans, exterior elements of buildings, landscapes, signage, additions to existing buildings, and modifications to a site;

(Grammar change)

3. Decide to approve, approve with revisions, continue or deny development ~~plan~~-applications described in subsections 1 and 2; and

(Clarifies authority)

4. The DRB shall prescribe in connection with any request for a development ~~plan~~-application approval, such conditions as the board may deem necessary in order to fully carry out the provisions and intent of this Code. Violation of any such conditions shall be a violation of this Code.

(Grammar change)

C. Design Review Board – Organization.

1. The DRB shall be composed of seven (7) members and two (2) alternates. The alternate shall serve at the board meetings whenever a regular board member is unable to attend or must decline due to a conflict of interest. The members shall be selected from residents of the city by the Mayor with the approval of the City Council. At least two (2) members of the DRB and an alternate shall be architects, landscape architects or otherwise qualified by design background, training or experience. The terms of the members shall be for three (3) years and shall be so staggered that the terms of at least two (2), but not more than three (3), members shall conclude in any given year. Nothing herein shall affect the expiration of the current terms of the DRB. Any vacancy shall be filled by the City Council for the unexpired term. The members of the DRB shall serve without compensation.
2. The DRB shall elect a chairperson and vice-chairperson from among its own members who shall have power to conduct board meetings, take public comment, and set consent agendas.
3. Meetings of the DRB shall be open to the public. The chair will ask if there are public comments on each agenda item, and the public shall be given an opportunity to provide oral or written comments. The minutes of its proceedings, showing the vote of each member, and records of the board's examinations and other official actions, shall be kept and filed with the City Clerk as a public record.
4. The DRB shall adopt rules of procedure consistent with the provisions of this Code for the conduct of its business and procedure.
5. Four (4) members shall constitute a quorum of the board and four (4) affirmative votes shall be required to approve an application. Any other motion shall be governed by Robert's Rules of Order.

6. The Development Services Manager, or designated representative, shall serve ex officio as secretary of the DRB, but shall have no vote.
 7. Whenever a member is either unable to attend or must decline due to conflict of interest, that member shall give timely notice to the appropriate staff person of the Development Services Department. The staff shall then notify the alternate DRB member to serve. In the event that such members are not sufficiently available to make a quorum, staff are authorized to act as members on consent agenda items only, and only to the extent that their presence makes a quorum.
- D. Appeals.** Appeals of DRB decisions shall be referred to the City Council and processed in accordance with Sections 6-801 through 6-803.

Section 1-308 City Council.

- A. Created and Purpose.** The City Council is created per the City Charter, Arizona Revised Statutes.
- B. Duties and Powers.** For the purpose of this Code, the City Council will have the following powers:
1. Hear and decide requests for subdivisions, amendments to the General Plan, code text or zoning map amendments, and use permits, variances, and PADs as applicable;
 2. Hear and decide appeals of decisions of the Planning and Zoning Commission, Redevelopment Review Commission, and Design Review Board; and
 3. Council may prescribe in connection with a request noted in subsection 1 and 2 above, conditions as the council may deem necessary, in order to fully carry out the provisions and intent of the General Plan and this Code. Violations of any such conditions shall be a violation of this Code.
- C. Organization.** Refer to City Charter and City Code.
- D. Appeals.** Appeals of City Council decisions shall be processed to Maricopa County Superior Court. See Section 6-803, Appeal Criteria.
(Added Reference)

PART 3 – LAND USE

Chapter 1 – Uses Permitted in Residential Districts

Chapter 2 – Uses Permitted in Commercial and Mixed-Use Districts

Chapter 3 – Uses Permitted in Office/Industrial Districts

Chapter 4 – Special Use Standards

Chapter 5 – Non-Conforming Situations

CHAPTER 1 – USES PERMITTED IN RESIDENTIAL DISTRICTS

Section 3-101 Purpose and Applicability.

Section 3-102 Permitted Uses In Residential Districts.

Section 3-101 Purpose and Applicability.

- A. Purpose.** The residential districts are designed to provide for neighborhoods ranging in densities from very low to moderately high. The differences in these densities and regulations are intended to support the varying lifestyles of the city's residents. The districts provide for a range of residential habitation including rural-agricultural, single-family, multi-family, mobile home, and combinations thereof, together with home occupations, schools, parks, and public services necessary for neighborhood living.
- B. Applicability.** Residential zoning districts fall under three categories:
1. Single-family residential (AG, R1-15, R1-10, R1-8, R1-7, R1-6, R1-5, R1-4 and R1-PAD);
 2. Multi-family residential (R-2, R3-R, R-3, R-4, R-5); and
 3. Mobile home (RMH, MHS and TP).
- C. Applicability of Other Code Chapters.** Uses permitted under this chapter shall conform to the development standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted with special standards or limitations ("S" type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. See also, Zoning Administrator Opinions in Appendix H.
City code reference—See TCC §14A, Historic Preservation Ordinance. (Provides cross-reference)

Table 3-102 – Permitted Land Uses (AG, SFR, MF, MH, RMH, TP)

Uses	Status of Use in District			
	AG	SFR	MF	MH/RMH/TP
Multi-Family Dwelling (2 or more dwellings)	N	N	P	N
Nursery Schools and Day Care Centers (R-3, R-3R, and R-4 districts only)	N	N	U	N
Parking Facilities for Commercial Uses – off-street and not enclosed in a building	N	N	U	N
Places of Worship – except tents and other temporary structures or buildings not permitted	P	P	P	P
Processing of Farm Products – customarily incidental to a permitted farm use and with a net site area of 5 acres or more	U	N	N	N
Public Uses				
Civic facilities (e.g., post office, library, city office, customer serving)	U	U	U	N
Municipal facilities (maintenance, repair and storage)	U	U	U	N
Open space, parks, similar uses (See also, Schools)	U	U	U	N
Residential Sales Office, Temporary [Section 3-419]	S	S	S	S
Retailing of Farm Products Produced on Premises	U	N	N	N
School, Charter	U	U	NU	NU
School, Private	U	U	NU	NU
School, Public	P	P	P	P
Similar Uses Any use similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted [Section 6-301]	P	P	P	P
Single-Family Dwelling	P	P	P	P
Second Story Addition or Replace Single Story with 2 or More Stories [Section 3-420]	U(S)	U(S)	U(S)	N
Temporary Construction Offices and Sheds, Appurtenant Signs and Storage – incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P	P
Wireless Telecommunication Facilities [See Section 3-421]	U(S)	U(S)	U(S)	U(S)
Amateur Radio Antennas				
35 feet in height or less	P	P	P	P
Over 35 feet in height	U	U	U	U

(Would allow schools in all districts for consistency)

(Would allow Temp. Const. Offices for consistency)

Key:

P = Permitted
 S = Permitted with special standards or limitations
 U = Use permit required
 N = Not permitted

AG = Agriculture districts
 SFR = Single-family districts
 MF = Multi-family districts
 MH = Mobile home district

RMH = Mobile Home Residence
 TP = Trailer Park

CHAPTER 2 – USES PERMITTED IN COMMERCIAL AND MIXED-USE DISTRICTS

Section 3-201 Purpose and Applicability.

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts.

Section 3-201 Purpose and Applicability.

A. Purpose. The commercial and mixed-use districts land use standards are intended to:

1. Allow a mixture of complimentary land uses that may include retail, offices, commercial services, civic uses, and housing to create economic and social vitality, and to encourage the linking of trips; and
2. Develop commercial and mixed-use areas that encourage walking ~~and pedestrian circulation~~ as an alternative to driving and provide employment and housing options.

(Pedestrian circulation appears to be a more appropriate term)

B. Applicability. Commercial and mixed-use districts fall under six categories:

1. Residential/Office (R/O). The R/O district allows professional and administrative services, live-work, and limited retail uses on small parcels located between higher intensity commercial and multi-use zones and residential zones;
2. Commercial Shopping and Services (CSS) (formerly known as CCR, C-1 and C-2 districts). The CSS district is intended to meet the daily shopping and service needs of Tempe's neighborhoods;
3. City Center (CC). The CC district fosters employment and livability in Tempe's city center by providing retail, offices, moderate- and high-density residential uses, entertainment, civic uses, and cultural exchange in a mixed-use environment that supports the public investment in transit and other public facilities and services;
4. Planned Commercial Center (PCC-1, PCC-2). The PCC districts are for neighborhood (PCC-1) or general (PCC-2) retailing, services and entertainment uses oriented to serve the needs of the neighborhood, community or the metropolitan region. Both districts require approval of a Planned Area Development (PAD). Residential uses and mixed-use may be permitted if approved as part of the PAD or PAD amendment;
5. Regional Commercial Center (RCC). The RCC district provides regional shopping facilities in locations deemed appropriate to serve large demographic areas (requires a PAD); and

6. Mixed-Use Commercial and Residential [MU-1, MU-2, MU-3, MU-4 (MU-4 formerly known as MG district)]. ~~The All MU zone districts allow~~ require the integration of commercial and residential uses to support ~~walking~~ pedestrian circulation and transit as alternates to driving, and to provide employment and housing options. MU districts allow a range of development intensities and uses including, but not limited to: personal and professional services, institutional and civic uses, retail, multi-family dwellings, attached single-family dwellings, and mixed-use buildings and building sites. All mixed-use districts require a PAD for processing.

(This change will keep the proposed code aligned with the existing ordinance and maintain the requirement that mixed use projects provide residential as a component of the development. This was an integral part of the initial MU concept.)

(Pedestrian circulation appears to be a more appropriate term)

- a. The MU-1 district allows low to medium density housing to be combined with commercial, office and public uses that serve the neighborhood. Residential uses are allowed up to ten (10) units per acre. Permitted commercial uses are limited to those that are compatible with low to medium density housing.
- b. The MU-2 district allows medium density housing to be combined with commercial, office and public uses that serve the neighborhood. Residential uses are allowed up to twenty (20) units per acre. Permitted commercial uses include those that are allowed in the MU-1 district, and some hotels, motels and lodging when approved with a use permit.
- c. The MU-3 district allows medium to high density housing to be combined with commercial, office and public uses that serve the neighborhood and/or community. Residential uses are allowed up to thirty (30) units per acre. Permitted commercial uses include those that are allowed in the MU-1 and MU-2 districts, and hotels and motels (permitted); and hospitals, commercial parking, and retail, financial and restaurant uses with drive through facilities when approved with a use permit.
- d. The MU-4 district (formerly known as MG district) allows unlimited housing density in a mixed-use setting with commercial, office, and public uses. Development intensity in the MU-4 district is established through the PAD process and must be consistent with the General Plan and the city's ability to provide public facilities.

C. Applicability of Other Code Chapters. Uses permitted under this chapter shall conform to the development standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted with special standards or limitations ("S" type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. Zoning Administrator opinions may also apply. See Appendix H.

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts

Table 3-202A identifies land uses according to permit status. See key below the table:

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Uses	Status of Use District					
	R/O	CSS	CC	PCC1	PCC 2	RCC
Accessory Use	P	P	P	P	P	P
Bakery	N	P	P	P	P	P
Brewery, ancillary to a bar (a) (Use permit already required for bars)	N	UP	UP	UP	UP	P
Cemeteries, Crematoriums and Mausoleums	N	U	U	U	U	N
Childcare Center	P	P	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P	P	P
Clubs						
Bar (indoor or outdoor), tavern, or nightclub (a)	N	U	U	U	U	P
Lodge or similar organization (a)	N	P	P	P	P	P
Teen night club (a)	N	U	U	U	U	U
Convenience Store (a)	N	P	P	P	P	P
With gas/fuel sales (a)	N	U	N	U	U	P
Entertainment	N	U	U	U	U	P
Amusement businesses (a)	N	U	U	U	U	P
Outdoor (permanent use)	N	U	U	U	U	U
Theater or similar use	N	P	P	P	P	P
Financial Institutions	P	P	P	P	P	P
Fine Arts Class Instruction	U	P	P	P	P	P
Heliport	N	U	U	U	U	U
Hospitals, Sanitariums, Nursing Homes, Convalescent Homes, Orphanages, Institutions of Mentally Disabled [Section 3-413]	N	U(S)	U(S)	U(S)	U(S)	U(S)
Hotels and Motels (a) (Provides a more balanced list of allowed uses in downtown)	N	U	UP	U	U	P
Live-Work [Section 3-414]	P	N	P	U	U	N
Mini-Warehouse [Section 3-415]	N	U(S)	N	U(S)	U(S)	S

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

R/O = Residence/Office
CSS = Commercial Shopping and Services (formerly CCR, C-1, C-2 districts)
CC = City Center
PCC1 = Planned Commercial Center Neighborhood
PCC2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

(a) Security plan required. See Appendix.

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

	Same-Use District					
	R/O	CSS	CC	PCC1	PCC 2	RCC
Offices	P	P	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	U	U	U
Parking, Commercial						
Surface	N	U	U	P	P	P
Structure	N	U	P	U	U	P
Photography Studio	P	P	P	P	P	P
<u>Places of Worship – except tents and other temporary structures or buildings not permitted</u> <i>(Clarifies that places of worship are allowed in any district)</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Public Uses						
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	U	U	U	U	U
Open space, parks, similar uses (See also, Schools)	P	P	P	P	P	P
Radio and Television Studios with Receiving and Transmitting Towers	N	U	N	U	U	P
Residential, caretaker residence	P	P	P	P	P	P
Residential, except caretaker residence <i>(Correction and clarification of where uses occur)</i>	P	<u>N</u>	P	U	U	N
Restaurants (a)	N	P	P	P	P	P
Entertainment as accessory use (a)	N	U	U	U	U	P
Outdoor dining (a)	N	P	P	P	P	P
With drive-in or drive-through, [Section 3-408]	N	S	N	S	S	S
With liquor license (a)	N	P	P	P	P	P
Retail Sales	N	P	P	P	P	P
Drive-through or drive-in [Section 3-408]	N	U(S)	P(S)	P(S)	P(S)	P(S)
Outdoor retail display [Section 3-418]	N	N	S	N	N	N
Outdoor retailing related to special sporting events, temporary (a) [Section 3-417] <i>(see sec. 3-417 and 6-309 L. for explanation)</i>	N	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>	<u>U(S)</u>
Pawn shops (a)	N	U	U	U	U	U

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

R/O = Residence/Office
CSS = Commercial Shopping and Services (formerly CCR, C-1, C-2 districts)
CC = City Center
PCC1 = Planned Commercial Center Neighborhood
PCC2 = Planned Commercial Center Comprehensive
RCC = Regional Commercial Center

(a) Security plan required. See Appendix.

Table 3-202A – Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

Use	Status by Use District					
	R/O	CSS	CC	PCC1	PCC 2	RCC
Schools, Charter	U	U	U	U	U	U
Schools, Private	U	U	U	U	U	U
Schools, Public	P	P	P	P	P	P
Services						
Barber/ beauty salon	P	P	P	P	P	P
Drycleaner	N	P	P	P	P	P
Catering service	N	P	P	P	P	P
Courier/delivery service	N	U	U	U	P	P
Minor appliance repair	N	P	P	P	P	P
Personal or business	N	P	P	P	P	P
Tattoo shops, body piercing	N	U	U	U	U	U
Travel agency	N	P	P	P	P	P
Similar Uses Any use similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted [Section 6-301]	P	P	P	P	P	P
Taxi Dispatch	N	U	U	U	P	P
<u>Temporary Construction Offices and Sheds, Appurtenant Signs and Storage – incidental to a construction project only for the duration of such project, not to exceed 24 months</u> (Error of omission in the first draft)	P	P	P	P	P	P
Tutoring/After School Learning Center	P	P	P	P	P	P
Vehicle						
Car wash, full service [Section 3-408]	N	U	N	U(S)	U(S)	S
Car wash, self service [Section 3-408]	N	U(S)	N	U	U	P
Vehicle repair/service	N	N	U	U	U	P
Sales, rental	N	N	U	U	U	P
Service station/fuel sales [Section 3-408]	N	U(S)	N	U(S)	U(S)	S
Warehouse Commercial	N	P	P	P	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)	U(S)	U(S)
Amateur Radio Antennas						
35 feet in height or less	P	P	P	P	P	P
Over 35 feet in height	U	U	U	U	U	U

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4)

	Districts			
	MU-1	MU-2	MU-3	MU-4
Accessory Use	P	P	P	P
Bakery	P	P	P	P
Bed and Breakfast	P	P	P	P
Brewery, ancillary to a bar (a) (use permit requirement is already in place for bars)	UP	UP	P	P
Childcare Center	P	P	P	P
Clinic (medical, dental, veterinary (small animals))	P	P	P	P
Clubs				
Bar, tavern, nightclub (a)	U	U	U	P
Lodges & similar organization (a)	U	P	P	P
Teen nightclub (dance hall) (a)	N	N	U	P
Entertainment	U	U	P	P
Amusement (arcade) (a)	N	U	U	P
Outdoor/permanent use	N	N	N	N
Theater or similar use	U	U	U	P
Financial Institutions	P	P	P	P
With drive-through	N	N	U	P
Fine Arts Class Instruction	P	P	P	P
Freight Transportation and Distribution	N	N	N	N
Hospitals, except clinics	N	N	U(S)	U(S)
Hotels and Motels (a)	N	U	P	P
Live-Work [Section 3-414]	P	P	P	P
Mini-Warehouse [Section 3-415]	N	N	N	N
Offices	P	P	P	P
Outdoor Storage of equipment, goods, or materials	N	N	N	N
Parking, Commercial				
Surface	N	N	U	U
Structure	N	N	U	U

Key:

P = Permitted
S = Permitted with special standards or limitations
U = Use permit required
N = Not permitted

MU-1 = Low – Medium Density District
MU-2 = Medium Density District
MU-3 = Medium – High Density District
MU-4 = High Density District (formerly MG district)

(a) Security plan required. See Appendix.

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4)

	MU-1	MU-2	MU-3	MU-4
Photography Studio, except adult oriented businesses	P	P	P	P
<u>Places of Worship – except tents and other temporary structures or buildings not permitted (clarifies that places of worship are allowed in any district)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Public Uses				
Civic facilities (e.g., post office, library, city office, customer serving)	P	P	P	P
Municipal Facilities (maintenance, repair and storage)	N	N	N	N
Open space, parks, similar uses (See also, Schools)	P	P	P	P
Residential caretaker residence	P	P	P	P
Residential (all types)	P	P	P	P
Restaurants	P	P	P	P
Entertainment as accessory use (a)	U	U	U	P
Outdoor seating	P	P	P	P
With drive-in or drive-through [Section 3-408]	N	N	U	P
With liquor license (a)	P	P	P	P
Retail Sales:	P	P	P	P
Drive-through [Section 3-408]	N	N	U(S)	S
Outdoor retailing related to special sporting events, temporary <u>(Section 3-417)</u> <u>(see sec. 3-417 and 6-309 L. for comments)</u>	<u>NU(S)</u>	<u>UN(S)</u>	<u>US(S)</u>	<u>SU(S)</u>
Pawn shops	N	N	N	N
Schools, Private & Charter: may include dormitories	U	U	U	U
Schools, Public	P	P	P	P
Services				
Personal or business (e.g. beauty, drycleaner)	P	P	P	P
Tattoo shops, body piercing facilities	N	N	U	U
With drive-through (e.g. dry cleaner) [Section 3-408]	N	S	S	S
Similar Uses: Any use similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted [Section 6-301]	P	P	P	P

Table 3-202B – Permitted Land Uses (MU-1, MU-2, MU-3, MU-4)

	MU-1	MU-2	MU-3	MU-4
<u>Temporary Construction Offices and Sheds, Appurtenant Signs and Storage – incidental to a construction project only for the duration of such project, not to exceed 24 months</u> <i>(Should be permitted in all districts)</i>	P	P	P	P
Tutoring/After School Learning Center	P	P	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)	U(S)
Amateur Radio Antennas, 35 feet in height or less	P	P	P	P
Amateur Radio Antennas, over 35 feet in height	U	U	U	U

Key:

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

MU-1 = Low – Medium Density District

MU-2 = Medium Density District

MU-3 = Medium – High Density District

MU-4 = High Density District (formerly MG district)

(a) Security plan required. See Appendix.

CHAPTER 3 –USES PERMITTED IN OFFICE/INDUSTRIAL DISTRICTS

Section 3-301 Purpose and Applicability.

Section 3-302 Permitted Uses in Office/Industrial Districts.

Section 3-301 Purpose and Applicability.

- A. Purpose.** The office/industrial districts are designed to provide for office/industrial business involved in research, warehousing, wholesaling, and manufacturing. The facilities range from administrative and research institutions to assembly and production. The office/industrial districts allow a range of industrial uses, as expressed below.
- B. Applicability.** Industrial uses are accommodated in three districts:
1. Office Buffer District (OBD) (formerly known as IBD district). Administrative and research industries, offices, and limited manufacturing to provide opportunities for employment and for protection to neighborhood residential areas;
 2. Light Industrial District (LID) (formerly known as I-1 and 1-2 districts). Office uses, warehousing, wholesaling, assembling and manufacturing of building materials, machinery and other commodities to provide employment centers and production; and
 3. Heavy Industrial District (HID) (formerly known as I-3 district). Intensive manufacturing, fabricating, and storage to provide for concentrated industrial uses.
- C. Applicability of Other Code Chapters.** Uses permitted under this chapter shall conform to the development standards in Part 4 and the application procedures in Part 6, as applicable. Uses shall also conform to any overlay district requirements that are applicable. Uses permitted with special standards or limitations ("S" type uses) shall comply with the standards in Part 3, Chapter 4, Special Use Standards. Zoning Administrator opinions may also apply. See Appendix H.

City code reference—See TCC §14A, Historic Preservation Ordinance. *(Provides cross-reference)*

Section 3-302 Permitted Uses in Office/Industrial Districts.

Table 2-302A identifies land uses according to permit status. See key below the table:

Table 3-302A Permitted Land Uses (OBD, LID, HID)

	OBD	LID	HID
Accessory Use	P	P	P
Adult Businesses [Section 3-403]	N	S	S
Animal Kennels, and Animal Hospitals	N	P	P
Auto Body Repair	N	P	P
Automobile Salvage	N	N	P
Ball Bearing, Boxes or Cabinets Manufacturing	N	U	P
Cement and Paving Material Mixing Plant	N	N	P
Chocolate, Cocoa or Coffee Roasting or Manufacturing	N	U	P
Clinics: General, Medical, Dental, and Veterinary	P	P	P
Computer Centers, including Computer Hotels and Similar Technology Facilities	P	P	P
Electronic Instruments and Devices, Computers, Assembling and Manufacturing (expands list of allowed uses to reflect current technologies.)	P	P	P
Exterminator and Insect Poison Manufacturing	N	N	P
Extraction of Sand, Gravel and Other Natural Resources	N	N	U
Farming, Landscaping and Agricultural Supplies and Equipment, Wholesaling and Storage	N	P	P
Foundry Casting Light-Weight, Nonferrous Metal, not Causing Noxious Odors or Fumes	N	U	P
Fuel Distributing Station, Gasoline (bulk plant)	N	U	P
Gasoline and Petroleum Bulk Storage Tanks	N	N	P
House-Movers, Equipment Storage or Wrecking Yards	N	N	P
Ice Manufacturing and Storage	N	U	P
Industrial, Scientific, or Business Research, Development and Testing Laboratories and Offices	P	P	P
Junkyards	N	N	P
Machine shops (expands list of allowed uses)	N	P	P
Manufacturing, not causing noxious odors, fumes, noise, dust or vibration (expands list of allowed uses)	N	P	P
Mini-Warehouse [Section 3-415]	N	U(S)	S
Mobile Home or Trailer – as a residence for a caretaker or operator employed on the premises. The residence may include the family of the caretaker.	U	U	U

Key:

P = Permitted
 S = Permitted with special standards or limitations
 U = Use permit required
 N = Not permitted

OBD = Office Buffer District (formerly IBD district)
 LID = Light Industrial District (formerly I-1, I-2 district)
 HID = Heavy Industrial District (formerly I-3 district)

Table 3-302A Permitted Land Uses (OBD, LID, HID)

	OBD	LID	HID
Motion Picture Studios	P	P	P
Offices	P	P	P
<u>Places of Worship – except tents and other temporary structures or buildings not permitted</u> (clarifies that places of worship are allowed in any district)	P	P	P
<u>Public Uses</u>			
<u>Civic facilities (e.g., post office, library, city office, customer serving)</u>	P	P	P
<u>Municipal Facilities (maintenance, repair and storage)</u>	N	P	P
<u>Open space, parks, similar uses (See also, Schools)</u>	P	P	P
<i>(Is consistent with current ordinance and reflects the need of these uses throughout the city)</i>			
Residence – of a caretaker or operator employed on the premises; such residence may include the family of the caretaker	P	P	P
Retail Commercial Operations – directly related to the primary industrial use may be permitted, provided they do not exceed 15% of the primary industrial use.	N	P	P
Retail Uses – allowed in the commercial and mixed-use districts (except outdoor display) may be allowed with a use permit [Section 3-202]	N	U	U
Similar Use – any use similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted upon [Section 6-301]	U	U	U
Stadium, Arenas	N	U	P
Temporary Construction Offices and Sheds, Appurtenant Signs and Storage – incidental to a construction project only for the duration of such project, not to exceed 24 months	P	P	P
<u>Warehouse, including distribution centers</u> (Clarifies uses allowed in warehouses)	N	P	P
Wholesaling, Repairing, Storage, and Rental Activities – in conjunction with a permitted use	N	P	P
Wireless Telecommunication Facilities [Section 3-421]	U(S)	U(S)	U(S)
Amateur Radio Antennas			
35 feet in height or less	P	P	P
Over 35 feet in height	U	U	U
Wood Products, Manufacturing	N	U	P

Key:

P = Permitted

S = Permitted with special standards or limitations

U = Use permit required

N = Not permitted

OBD = Office Buffer District (formerly known as IBD)

LID = Light Industrial District (formerly known as I-1, I-2)

HID = Heavy Industrial District (formerly known as I-3)

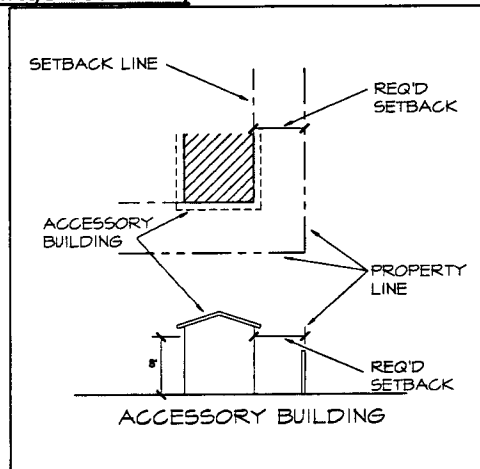
CHAPTER 4 – SPECIAL USE STANDARDS

Section 3-401	Accessory Buildings, Uses and Structures.
Section 3-402	Accessory Dwellings.
Section 3-403	Adult-Oriented Businesses.
Section 3-404	Agricultural Uses.
Section 3-405	Bed and Breakfast.
Section 3-406	Boutique.
Section 3-407	Day Care, In Home 7-10 Children.
Section 3-408	Drive-Through Facilities.
Section 3-409	Group Homes for Adult Care, Disabled, and Child Shelter.
Section 3-410	Guest Room.
Section 3-411	Guest Quarters.
Section 3-412	Home Occupation.
Section 3-413	Hospitals, Sanitariums, Nursing Homes.
Section 3-414	Live-Work.
Section 3-415	Mini-Warehouse.
Section 3-416	Mobile Homes.
Section 3-417	Outdoor Retailing, Relating to Special Sporting Events.
	<i>(Replaces the original)</i>
Section 3-418	Outdoor Retail Display.
Section 3-419	Residential Sales Office, Temporary.
Section 3-420	Single-Family Residential Second Story Addition or Rebuild.
Section 3-421	Wireless Telecommunication Facilities.

Section 3-401 Accessory Buildings, Uses and Structures.

- A. Applicability.** Accessory buildings, uses and structures shall be incidental to the principal use. They must occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Buildings, structures (e.g., fence, carport, deck, etc.), and uses may all function as "accessory," subject to the provisions below.
- B. Accessory Uses:** Buildings may be used for home occupations in reference to Section 3-412.
- C. Accessory Building.** Accessory buildings (e.g., freestanding garages, large sheds, workshops, etc.) shall not be used for sleeping or living purposes, shall not have cooking facilities, are limited to the height of the existing residence, and must meet the setbacks for the district.

(Clarifies what these buildings could be)



- D. Accessory Structure.** An accessory structure (e.g., ramadas, small sheds) shall be located no closer to the front property line than the front yard setback, be limited to a maximum one hundred twenty (120) s.f. in area, and shall be equal to or less than eight (8) feet in height; an accessory structure may encroach into the rear, side, and street side yard setback, provided that required separation for fire protection is provided and the following standards are met:

(Clarifies what these structures could be)

- B. Building Codes.** Comply with applicable building codes and structural specialty codes;
- C. One ADU per Lot.** A maximum of one (1) accessory dwelling unit is allowed per multi-family dwelling lot. Only accessory dwelling units shall be used for sleeping or living purposes;
- D. Floor Area.** The maximum floor area of the accessory dwelling shall not exceed six hundred (600) square feet;
- E. Development Standards.** Comply with the setback, building height, lot coverage, and other applicable development standards. The ADU does not count toward allowable density; and
- F. Infrastructure.** Sewer, water and utility services shall be provided to the dwelling in conformance with city standards.

Section 3-403 Adult-Oriented Businesses.

- A. Purpose.** It is recognized that there are some uses, which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several such uses are concentrated under circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the existing surrounding neighborhood. These special regulations are itemized in this section. The purpose of the regulation is to promote the health, safety, and general welfare of the citizens of the city by preventing a concentration of these uses in any one area. It is not the intent of this Code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Further, it is not the intent of this Code to permit any use or act, which is otherwise prohibited or made punishable by law.

Cross reference—See also the following definitions in Part 7 of this Code: adult-oriented business, adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult novelty store, adult service, adult service business, adult theater, adult video facility, escort, escort agency, nude model studio, nudity/state of nudity, sexual encounter center, specified anatomical areas and specified sexual activities.

City code reference—See TCC §16A-56, escort definitions and rules; TCC §16A-112 et seq., adult-oriented businesses.

- B. Locational Requirements.** Adult-oriented businesses are subject to the following:

1. Allowed in the LID and HID zoning districts, subject to the following location requirements:
 - a. No adult-oriented business shall be operated or maintained within one thousand (1,000) feet of another adult-oriented business; a church, synagogue, temple, or similar religious worship building; a child care facility, preschool, nursery, kindergarten or similar use; a public or private elementary or secondary school; a library; a public park; a public community building; a public or private recreational facility where minors are permitted;
 - b. No adult-oriented business shall be operated or maintained within one thousand (1,000) feet of an establishment having an Arizona spirituous liquor license with any of the following classifications: Bar (Series 06); Beer and Wine Bar (Series 07) or the equivalent of such licenses; and
 - c. No adult-oriented business shall be operated or maintained within one thousand (1,000) feet of a boundary of a residential district as defined herein; or the property line of a lot devoted to a residential use in any zone.
2. For the purpose of subsection 1 above, the distance limitations ~~in~~ shall be measured as the shortest horizontal line between the property lines of the relevant propertyies involved. This measurement shall exclude any public right-of-way that is adjacent and connected to the recorded lot lines of the relevant properties involved in the measurement.
(This recommendation is proposed based on a court order)
3. Any adult-oriented business that fails to comply with this section but which was lawfully operating before City Code Chapter 16A Article VI, took effect shall not be deemed to be in violation of this article when the article takes effect. However, such business will not be permitted to be increased, enlarged, extended or altered except the business may be changed so as to fully comply with this article. An adult-oriented business lawfully operating is not rendered in violation of this Code by the location, subsequent to the grant or renewal of the license herein, of any of the premises identified in subsections 1 and 2 above. (Ord. No. 95.49, 12-14-95)

C. Operational Requirements. Any adult-oriented business shall comply with the following requirements, as well as those contained in Tempe City Code, Chapter 16A 112 through 135:

1. Security plan required;
2. For the prevention of the spread of sexually transmitted disease, no partitions between subdivisions of a room, portion or part of a building, structure or premises may have an aperture which is designed or

- A. Farming.** Farming, including all types of agriculture and horticulture, such as flower and vegetable gardening, field crops, berry and bush crops, tree crops, and orchards, and their storage.
- B. Livestock.** The keeping of livestock, including cattle, horses, sheep, goats or similar animals except the keeping of swine. The number of such livestock permitted shall be calculated on the basis of one horse, cow or similar animal, or two (2) sheep, goats or similar animal for each six thousand (6,000) square feet of net lot area after deducting one-half (1/2) acre for the home site. The total aggregate of all such animals permitted shall be twenty-four (24). Animals of six (6) months or younger shall not be counted.
- C. Apiaries.** Apiaries, upon the following conditions:
 - 1. Occupied bee hives shall be at least two hundred (200) feet from any existing dwelling on another property;
 - 2. Occupied bee hives shall have a minimum separation of fifty (50) feet to any property line; and
 - 3. Occupied bee_hives shall have a minimum separation of one hundred fifty (150) feet to any street or bridle path.
- (Grammar change)
- D. Grazing.** The grazing and keeping of cattle, sheep or horses, except swine on a site of five (5) or more acres; including the supplementary feeding of such cattle, sheep, or horses, provided such grazing is not a part of, nor conducted in conjunction with any dairy or livestock sales yard located on the same premises.
- E. Processing of Farm Products.** Farming and processing of farm products, customarily conducted on farms, is permitted on a site of five (5) or more acres.
- F. Horse Ranch.** A commercial horse ranch may be permitted with a minimum net site of ten (10) acres or more.
 - 1. The keeping of horses in the R1-15 and R1-10 district provided the following conditions are met:
 - a. The zoning for such property was in effect prior to 1/20/85;
 - b. The rear yard of site with R1-15 and R1-10 districts abuts property in the agricultural district and the conditions, covenants and restrictions of such agriculturally zoned property permits the keeping of horses;
 - c. The lots in the R1-15 and R1-10 districts are not less than thirty thousand five hundred (30,500) square feet in area;
 - d. The minimum distance from the rear of the dwelling unit to the rear property line is not less than two hundred (200) feet;

- e. The lots in the R1-15 and R1-10 districts are located south of Elliot Road; and
 - f. The number of horses permitted shall be determined by following the criteria set forth in Section 3-404B.
- G. Dairy Farm.** A dairy farm may be permitted with a net site area of forty (40) acres or more.

Section 3-405 Bed and Breakfast.

Bed and breakfast use, where allowed with a use permit, shall conform to all of the following standards:

- A. Accessory Use.** A bed and breakfast facility must be accessory to a residential use on the subject site. This means that the individual or family who operates the facility must occupy the dwelling as their primary residence.
- B. Maximum Size.** Bed and breakfast facilities are limited to a maximum of five (5) bedrooms for guests and the maximum occupancy per night shall be established by use permit.
- C. Employees.** Bed and breakfast facilities may have nonresident employees for the lodging activity such as booking rooms and food preparation, if approved as part of the use permit. Hired service for normal maintenance, repair and care of the residences or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of the use permit approval.
- D. Service to Guests.** Food services may only be provided to overnight guests of a bed and breakfast in residential districts. Food service may be provided to overnight guests and other guests in all mixed-use (MU) districts. Any other service is subject to the use requirements of the zoning district.
- E. Meetings and Social Gatherings.**
 - 1. Commercial meetings – Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited at a bed and breakfast facility.
 - 2. Private social gatherings – The residents/guests of bed and breakfast facilities may be allowed to have social gatherings, parties, or meetings if authorized in the use permit.

(Clarifies this section of who could have these social gatherings)

Section 3-406 Boutique.

Home, religious organization, or not-for-profit service organization boutiques, where permitted, shall conform to the following conditions:

- A. Enclosed.** The boutique shall be carried on wholly within a dwelling unit, school (private), or a place of worship.
- B. Products Sold.** The boutique shall primarily sell locally handcrafted items.
- C. Operation.** The boutique shall operate for not more than any five (5) consecutive days in each one-half (1/2) calendar year at any one location. The activity shall be limited to the hours between 9:00 a.m. and 8:00 p.m.
- D. Impacts.** There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare produced by the boutique. The activity shall not generate such additional traffic and parking in the area of the boutique which would create a traffic or safety hazard.
- E. Signs.** All signs used by the boutique shall comply with this Code, Section 4-903C.
- F. Sales Tax.** The boutique shall comply with the applicable transaction privilege (sales) tax provisions of the Tempe City Code (TCC) §16-1 et seq.
- G. License.** The operator or sponsor of the boutique must apply for a city transaction privilege (sales) tax license a minimum of ten (10) days prior to the start of the boutique and obtain the license prior to conducting business.
- H. Violation.** Any violation of the above conditions shall cause the immediate revocation of the boutique's privilege to transact business within the city.

Section 3-407 Day Care, In Home 7-10 Children.

Home day care for seven (7) to ten (10) children shall require a use permit and comply with the following conditions:

- A. License and Certified.** Licensed, certified or approved by the State of Arizona; and
- B. Administrative Review.** Such home ~~is~~ must be reviewed and approved and have a certificate of occupancy issued for the use by the City of Tempe, Development Services Department, Manager for current building codes and land use code compliance prior to use commencing; complying with state regulations related to the operation of day care facilities. See Arizona Revised Statutes, Division 43.

(This change is intended to clearly state what approvals must be obtained prior to the use commencing)

- C. Vehicles, Parking and Traffic.** All live-work units in the MU-1, MU-2, MU-3, MU-4 and CC, PCC-1 and PCC-2 districts are exempt from the standards in Section 3-412E. All live-work units in multi-family districts (R-2, R-3, R-3R, R-4, and R-5) shall comply with Section 3-412E.

Section 3-415 Mini-Warehouse.

Mini-warehouses are for storage purposes only. No retailing is permitted from these facilities.

Section 3-416 Mobile Homes.

- A. Access.** A minimum of two (2) vehicular entrances shall be provided for each mobile home park, mobile home subdivision, and trailer park development. One (1) entrance may be kept closed to the general public if provision is made for emergency access and if this entrance is not necessary to accommodate the volume of traffic generated by uses on the site.
- B. Perimeter Walls.** Perimeter boundaries of all mobile home parks, mobile home subdivisions and trailer parks shall have a perimeter wall with a minimum height of eight (8) feet, measured from the highest adjacent grade within twenty (20) feet. The wall shall be of masonry or concrete construction, with architectural texture, finish, and color to be compatible with other buildings in the vicinity. The perimeter wall shall be designed to create an attractive appearance, incorporating elements such as recesses, piers, pilasters, contrasting courses and texture. The area between the wall and the public street shall be landscaped, and the wall may contain pedestrian access gate(s), ~~which shall remain unlocked and allow police and emergency access from the street,~~ as approved through development plan review. Street frontage landscape areas of mobile home and trailer park developments shall be maintained by the mobile home or trailer park operators.

(This change is to resolve security concerns and potential liability)

Section 3-417—~~Outdoor Retailing, Relating to Special Sporting Events.~~

~~Refer to Section 6-309L, Exceptions and Special Use Permit Provisions, for regulations on outdoor retailing, relating to special sporting events.~~

- A. Purpose.** To allow sales of merchandise for a limited and temporary time without use of a permanent structure.
- B. Applicability.** Outdoor retailing are allowed subject to a use permit and the following regulations:
1. Must be on-site (outside of the public right-of-way);
 2. Property owner's authorization;

3. Displays shall not occupy required parking areas, pedestrian paths, landscaped areas, or vehicular driveways (including fire lanes);
4. Any display must allow for a minimum six (6) foot wide pedestrian path across the building frontage and to and from all building entrances and exits;
5. The applicant is in compliance with all regulations related to such permit and all applicable codes and laws;
6. Sales demonstrations are allowed without amplification; and
7. Point of display signage shall not exceed a total of three (3) square feet.

(This section establishes standards for outdoor retailing and replaces temporary sports paraphernalia retailing. Also see revisions to section 6-309 L.)

Section 3-418 Outdoor Retail Display.

- A. Purpose.** The purpose of this section is to allow a business or tenant to display an incidental amount of merchandise adjacent to the exterior of a building.
- B. Applicability.** Outdoor displays are allowed in the CC district only, subject to the following regulations:
 1. Displays are prohibited in city right-of-way, except in the CC district subject to an encroachment permit or lease;
 2. Displays shall not occupy required parking areas, pedestrian paths, landscaped areas, or vehicular driveways (including fire lanes);
 3. Displays shall be located within three (3) feet of the business space;
 4. Any display must allow for a minimum six (6) foot wide pedestrian path across the building frontage and to and from all building entrances and exits;
 5. Displays are limited to the normal hours of operation;
 6. Solid display structures are limited to four (4) feet in height and total display area shall not obscure more than twenty five percent (25%) of window area;
 7. Display merchandise shall be the same as that sold inside the store;
 8. Sales demonstrations are allowed without amplification;
 9. Point of display signage shall not exceed a total of three (3) square feet; and

10. Transaction of display items shall be made inside the place of business.

Section 3-419 Residential Sales Office, Temporary.

Temporary residential sales offices are permitted for the sale of homes being constructed on the premises and for a period not exceeding twenty-four (24) months. Extension of this time requires approval by the Hearing Officer or Board of Adjustment who shall find that the office meets the standards of this section and a hardship exists warranting the extension that is beyond the applicant's control. The residential sales office is subject to the following conditions:

- A. Location.** Temporary residential sales offices may be located in a building designed as a dwelling unit or in a modular office building located on the site.
- B. Temporary Certificate of Occupancy-Permit.** Prior to use of the premises as a temporary residential sales office, the sales office must meet all applicable building codes, and a temporary certificate of occupancy permit shall be obtained from the Development Services Manager.
(Clarifies requirements for occupancy)
- C. Conversion and Final Approval of Dwelling.** Prior to the sale of any dwelling that has been used as a temporary residential sales office, the dwelling shall be restored to comply with all applicable codes and ordinances, and final approval obtained from the Development Services Department.

PART 4 – DEVELOPMENT STANDARDS

Chapter 1 – Development Standards Administration

Chapter 2 – General Development Standards

Chapter 3 – Public Infrastructure

Chapter 4 – Building Design

Chapter 5 – Access and Circulation

Chapter 6 – Parking

Chapter 7 – Landscape & Walls

Chapter 8 – Lighting

Chapter 9 – Signs

CHAPTER 1 – DEVELOPMENT STANDARDS ADMINISTRATION

Section 4-101 **Purpose and Applicability.**

Section 4-102 **General Regulations and Approval Criteria.**

Section 4-103 **Reference to Other Design Guidelines and Standards.**

Section 4-101 **Purpose and Applicability.**

- A. Purpose.** Part 4 provides standards for development density, height, setbacks, lot coverage, building design, parking, landscape, access and circulation for pedestrians and vehicles, signs, lighting, and infrastructure. The intent of these regulations is to conserve and enhance design character and aesthetic values throughout the city; support crime prevention and safety including accessibility for persons with disabilities; and provide multi-modal transportation options for the general public.
- B. Applicability.** Unless otherwise noted, all uses and developments shall conform to Part 4, Development Standards.

City code reference—See TCC §14A, Historic Preservation Ordinance. *(Provides reference)*

Section 4-102 General Regulations and Approval Criteria.

- A. Commencement of Use or Development.** A development shall not be constructed, or a use commenced, except after its applications or plans are approved by the city in conformance with this Code.
- B. Exceptions to Part 4.** Exceptions to a standard require approval of a variance under Section 6-310.
- C. Conformance to Approved Plans Required.** Any expansion of building or use, or development of land, shall conform to plans approved under Part 6. When an approval under Part 6 is required, the city may not issue a building permit, electrical permit or a mechanical permit for the project until the approval has been granted.
- D. Completion or Bonding Prior to Certificate of Occupancy-Permit.** Prior to issuance of an certificate of occupancy-permit, all required improvements shall be installed in accordance with plans approved by the Development Services Department. ~~Alternatively, The Development Services Department may accept a cash deposit, bond or an irrevocable letter of credit in an amount guaranteeing the complete installation of the required improvement(s) landscape and irrigation within six (6) months of certificate of occupancy.~~ Failure to install the required ~~improvement(s) landscape and irrigation~~ shall result in the forfeiture of the deposit, bond, or letter of credit, and be deemed a violation of this Code.
- (Provides consistent language for certificate of occupancy instead of occupancy permit. Also, bonding for improvements other than landscape and irrigation was not the intent of the code. For example not installing walls and lighting prior to occupancy would raise concerns for safety, security and liability. Staff views this change as a correction of an oversight in the draft code.)*
- E. Maintenance.**

1. The owner or owner's association, or the lessee of the site, as applicable, shall maintain the development and property in conformance with the plans approved by the city. Any deterioration shall be considered a violation of this Code and any applicable ordinances.
2. Any landscape feature required in this section that does not survive, function properly, or is in need of repair, shall be replaced within thirty (30) days of its demise or damage. The Development Services Manager may approve an extension when requested in writing, based on conflicts arising from construction activity, seasonal availability of materials, or a similar hardship.
3. Landscape features, lighting, walls, screening devices or other features installed in conformance with Part 4 of this Code shall not be modified or removed without prior approval by the Development Services Manager. The removal or destruction of such features without prior approval by the Development Services Manager shall constitute a violation of this Code. In such case, the owner shall be required replace said feature(s)

with those of like size and quality, or alternate material may be approved by the Development Services Manager.

4. Improvements required under Part 4 of this Code shall be reasonably maintained.
5. Plant material and trees shall be pruned to promote a healthy growth pattern, natural characteristic form, and maximize shade.

(Clarifies intent of this section.)

6. The lack of maintenance shall constitute a violation of this Code, penalties for which are provided in Section 1-201.

Section 4-103 Reference to Other Design Guidelines and Standards.

- A. Overlay Districts.** The overlay district design and development standards contained in Part 5 are also applicable within overlay districts. When conflicts occur between the standards in Part 5 and Part 4, the standards in Part 5 shall apply.
- B. Design Guidelines.** The Appendix contains design guidelines that supplement the standards under Chapter 4, Building Design; Chapter 5, Access and Circulation; Chapter 6, Parking; Chapter 7, Landscape and Walls; and Chapter 8, Lighting. The guidelines are intended to be flexible and encourage creativity in design. Where conflicts exist between the guidelines and specific Code standards, the Code standards shall take precedence over the guidelines; the Development Services Manager has the authority to make interpretations to resolve such conflicts.

Table 4-202A – Development Standards in Agricultural and Single-Family Districts(1)

Standard	AG	R-15	R-10	R-8	R-7	R-6	R-5	R-4	R1-PAD
Density (DU/Acre)	1	2.40	2.80	3.35	3.75	4	6	8	NS
Minimum Net Site Area (square feet) per Dwelling	43,560 sf	15,000 sf	10,000 sf	8,000 sf	7,000 sf	6,000 sf	5,000 sf	4,000 sf except 3,000 sf for common wall	NS
Minimum Lot Width (feet)	115 ft	115 ft	90 ft	80 ft	70 ft	60 ft	NS	NS	NS
Minimum Lot Length (feet)	150 ft	120 ft	100 ft	100 ft	100 ft	100 ft	NS	NS	NS
Maximum Height (feet)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	35 ft	NS
Maximum Lot Coverage (% of net site area)	25%	45%	45%	45%	45%	45%	NS	NS	NS
Setback (feet) (c): [See Setback Exceptions, Section 4-205B]									
Front - Building	40 ft	35 ft	30 ft	20 ft	20 ft	20 ft	20 ft	15 ft except 20 ft for garage	NS
Front - Porch	35 ft	30 ft	25 ft	15 ft	15 ft	15 ft	15 ft	10 ft	NS
Side	20 ft	15 ft	10 ft	7 ft	7 ft	5 ft	5 ft	5 ft (a)	NS
Rear	35 ft	30 ft	25 ft	20 ft	15 ft	15 ft	15 ft	15 ft	NS
Street Side (b)	25 ft	20 ft	15 ft	10 ft	10 ft	10 ft	10 ft	10 ft	NS

NS= No Standard.

(1) An overlay district may modify the above standards. See Part 5.

(a) 0 feet for common wall.

(b) Street side yard setback for corner lots adjacent to key lots shall be increased by 10 additional feet.

(c) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Table 4-202B – Development Standards in Multi-Family Districts (1)

Standard	R-2	R-3F	R-3	R-4	R-5
Density (DU/acre)	10	15	20	25	30
Minimum Site Area/Dwelling Unit (square feet)	3,600 sf	2,900 sf	2,180 sf	1,740 sf	1,450 sf
Building Height					
Building Height Maximum (feet)	30 ft	30 ft	30 ft	40 ft	50 ft
Building Height Step-Back Required Adjacent to R-4 SF or MF District, [Section 4-404, Building Height Step-Back] (refer to sec. 4-404 for comments)	No	No	No	Yes	Yes
Maximum Lot Coverage (% of net site area)	45%	45%	50%	60%	70%
Minimum Landscape Area (% of net site area)	30%	30%	25%	25%	25%
Setbacks (feet) (b): [See Setback Exceptions, Section 4-205B]					
Front					
Building	20 ft	20 ft	20 ft	20 ft	20 ft
Open Structures (e.g. porch, trellis, patio wall)	15 ft	15 ft	15 ft	15 ft	15 ft
Side					
Building Walls	10 ft	10 ft	10 ft	10 ft	10 ft
Porch, Balcony, Patio Wall	5 ft	5 ft	5 ft	5 ft	5 ft
Common Walls	0 ft	0 ft	0 ft	0 ft	0 ft
Rear					
Building Wall, Porch, Balcony, or Patio Wall	15 ft	15 ft	15 ft	10 ft	10 ft
Common Walls	0 ft	0 ft	0 ft	0 ft	0 ft
Street Side (a)	10 ft	10 ft	10 ft	10 ft	10 ft

NS= No Standard.

(1) An overlay district may modify the above standards. See Part 5.

Section 4-203 Development Standards for Commercial and Mixed-Use Districts.

Tables 4-203A and 4-203B, respectively, provide the development standards for commercial districts and mixed-use districts.

Table 4-203A – Development Standards in Commercial Districts (1)

Standard	R/C	CSS (2)	CC	PCC-1	PCC-2	RCC
Residential Density (DU/acre) <i>(Establishes a density for CSS and the density changes for PCC-1 and 2 reflect the densities shown on the General Plan 2030 density map.)</i>	10	0-20 (U)	NS	20-15 (U)	25-20 (U)	0
Building Height						
Building Height Maximum <i>(Staff believes this is a more appropriate height in the downtown and would allow up to a 4 story building, similar to historic heights)</i>	30 ft	30 ft	65-50 ft	35 ft	40 ft	75 ft
Building Height Step-Back Required Adjacent to SF or MFR+ District, [Section 4-404, Building Height Step-Back] <i>(refer to sec. 4-404 for comments)</i>	No	No	No Yes	Yes	Yes	No
Maximum Lot Coverage (% of net site area)	35%	50%	NS	50%	50%	50%
Minimum Landscape Area (% of net site area)	30%	15%	NS	15%	15%	15%
Setbacks (a) [See also, Setback Exceptions, 4-205]						
Front	15 ft	0 ft	0 ft	0 ft	0 ft	25 ft
Side						
Building Wall	10 ft	0 ft	0 ft	30 ft	30 ft	25 ft
Common Wall	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft
Rear – Building Wall	10 ft	10 ft	0 ft	30 ft	30 ft	25 ft
Street Side	10 ft	0 ft	0 ft	0 ft	0 ft	25 ft

NS = No Standard. (U) = Denotes use permit requirement in those districts.

(1) An overlay district may modify the above standards. See Part 5.

(2) CSS district formerly known as CCR, C-1 and C-2 districts.

(a) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Table 4-203B – Development Standards in Mixed-Use Districts (1)

Standard	MU-1	MU-2	MU-3	MU-4 (2)
Residential Density (DU/acre)	10	20	30	NS
Building Height (feet)				
Building Height Maximum	35 ft	40 ft	50 ft	NS
Building Height Step-Back Required Adjacent to R4-SF or MF District [Section 4-404, Building height step-back] <i>(refer to sec. 4-404 for comments)</i>	Yes	Yes	Yes	Yes
Maximum Lot Coverage (% of net site area)	50% NS	60% NS	70% NS	NS
Minimum Landscape Area (% of net site area)	NS	NS	NS	NS
Setbacks (feet) (a) [See Setback Exceptions, Section 4-205B] <i>(These changes will retain the current flexibility that is in Ord. 808. The standards for these zoning districts will be established through the public hearing process for the zoning and PAD.)</i>				
Front – Building Wall	0-# NS	0-# NS	0-# NS	0-# NS
Side – Building Wall	5-# NS	5-# NS	5-# NS	5-# NS
Street Side	0-# NS	0-# NS	0-# NS	0-# NS

Table 4-203B – Development Standards in Mixed-Use Districts (1)

Standard	MU-1	MU-2	MU-3	MU-4 (2)
Rear	10 #NS	10 #NS	10 #NS	10 #NS

NS= No Standard.

(1) An overlay district may modify the above standards. See Part 5.

(2) MU-4 district formerly known as MG district.

(a) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Section 4-204 Development Standards for Office/Industrial Districts.

Tables 4-204 provides the development standards for Tempe's office/industrial districts.

Table 4-204 – Development Standards in Office/Industrial Districts (1)			
Standard	OBD (2)	LID (3)	HID (4)
Building Height (feet)			
Building Height Maximum	30 ft	35 ft	40 ft
Building Height Step-Back Required Adjacent to R4-SF or MF District [Section 4-404, Building Height Step-Back] (refer to sec. 4-404 for comments)	Yes	Yes	Yes
Maximum Lot Coverage (% of net site area)	40%	NS	NS
Minimum Landscape Area (% of net site area)	10%	10%	10%
Setbacks (feet) (a) [See Setback Exceptions, Section 4-205B]			
Front	30 ft	25 ft	25 ft
Side	10 ft	0 ft	0
Rear	10 ft	0 ft	0
Street Side	30 ft	25 ft	25 ft

NS= No Standard

(1) An overlay district may modify the above standards. See Part 5.

(2) OBD district formerly known as IBD district.

(3) LID district formerly known as I-1 and I-2 districts.

(4) HID district formerly known as I-3 district.

(a) See also, Section 3-401 for setbacks applying to accessory structures and buildings.

Section 4-205 Exceptions.

A. Increased Height. The following structures may extend above the maximum building heights provided in Sections 4-202 through 4-204:

1. Spires, crosses, belfries, cupolas, clock towers, or similar architectural features, attached to a building or free-standing, shall be no taller than twice the height of the tallest building on site, as measured from the curb elevation.
2. Penthouses or roof structures for the use of elevators, stairs, tanks, ventilation, or similar equipment required to ventilate the building, as well as fire or parapet walls, skylights, towers, chimneys, and necessary mechanical appurtenances, may be built above the height limits herein prescribed, but in no case shall structures above the permitted height limit be constructed for the purpose of providing additional floor space. See also, Section 4-405, Mechanical Equipment.
3. A flagpole may extend no more than thirty-five (35) feet maximum height whether ground mounted or mounted on buildings. The height shall be measured from grade at the base of the pole, or building as applicable.

of approval (i.e., when not otherwise proposed by the applicant), shall be roughly proportional to the impact of development and follow the Public Improvements (Exactions) Policy contained in the City of Tempe Public Works Department Standard Details.

- D. Construction Plan Review and Permitting.** Public facility improvements (i.e., improvements to be dedicated to the City of Tempe) shall require a construction permit subject to review and approval by the City Engineer prior to commencing work.

Section 4-303 Transportation Improvements.

- A. Purpose.** The purpose of this section is to ensure that new developments and redevelopment projects provide for a safe, attractive and functional transportation system that is accessible and accommodates all modes of transportation (automobiles, ~~walking~~pedestrian, bicycling, and transit) in conformance with the Comprehensive Transportation Plan.

(Clarifies intent)

- B. Street Access.** All developments shall have approved access to a public street, in conformance with the provisions of Chapter 5, Access and Circulation.

- C. Street Layout and Design.** The layout and design of streets and alleys shall conform to the Comprehensive Transportation Plan, the design standards and cross-sections contained in the City of Tempe Public Works Standard Details and the City of Tempe Pedestrian and Bicycle Facility Design Guidelines.

- D. Dedications.** Required dedications shall conform to the following half-street dimensions:

1. Public Streets.
 - a. Arterial streets – fifty-five (55) feet;
 - b. Mid-section line, industrial and commercial collectors – thirty-three (33) feet;
 - c. Residential collectors and local multi-family, commercial and industrial streets – thirty (30) feet; and/or
 - d. Local residential streets – twenty-five (25) feet.
2. Private Streets. Minimum twelve and one half (12 ½) feet.

- E. Connectivity.** To promote efficient circulation, accessibility, and neighborhood traffic calming, the design of new streets and street connections shall conform to the following maximum block length standards:

1. Commercial and Mixed-Use Districts: Six hundred (600) feet.

3. All basements where the occupant load is greater than fifty (50) regardless of the occupancy, and/or sub-level parking structures over ten thousand (10,000) square feet. See Tempe City Code Chapter 9, Article II, Sections 9-21 through 9-32.

Section 4-403 Building Identification.

Buildings are required to have a site address, as assigned by the city. Building identification signs and site addresses shall conform to the standards in Section 4-9023 A. General Sign Standards Permitted Signs.

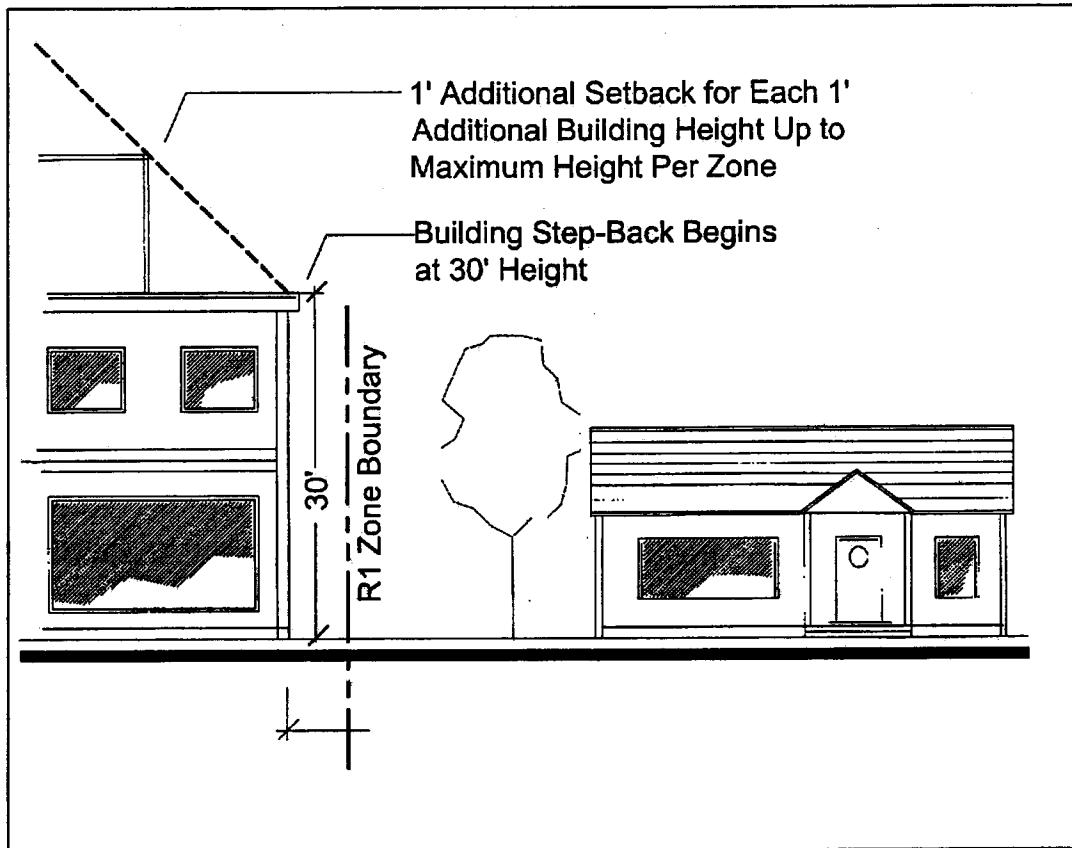
(Clarifies section reference)

Section 4-404 Building Height Step-Back.

When a district other than single-family is immediately adjacent or separated by an alley to a single-family or multi-family residential district, (except when such single-family or multi-family districts are used for a public park) building facades are required to step-back, one (1) additional foot setback for each one (1) foot additional building height over thirty (30) feet. Step-back requirements begin at a height of thirty (30) feet. The building facades shall step-back as generally illustrated in Figure 4-404, below:

(This proposal would treat all residential zonings equally. As Tempe becomes more urbanized, we anticipate our housing supply will be provided on multi-family zoned property as opposed to single family. Staff believes we need to offer protection to those residents as well as those in single family zoning. The exception reflects some instances where park sites have underlying residential zoning but the park will always be retained in the public domain, therefore the protection is not necessary.)

Figure 4-404. Building Height Step-Back



Section 4-405 Mechanical Equipment.

- A. All roof mounted mechanical equipment shall be ~~fully~~-concealed on all sides by elements that are an integral part of the building design and are equal to or greater in height than the mechanical equipment. Ground-mounted equipment may be screened using a masonry wall or other durable material as approved through development plan review.
- B. Mechanical equipment (e.g., satellite dish, cooling tower, or similar features) that cannot be ~~fully screened~~concealed due to their unique functional requirements, as determined by the Zoning Administrator, shall be made visually subordinate with architectural features that blend with the design of the main building and meet building code standards, as approved through development plan review.

(Provides consistent requirements for screening both roof mounted and ground mounted equipment, (A and B above))

Section 4-406 Employee Service Entrances and Exits.

Employee service exit and entrance doors shall be equipped with a security vision panel. A vision panel is a minimum six (6) inch by six (6) inch Llexan ("registered trademark") or laminated glass window center mounted on a door, and located sixty-three (63) inches from the center of the glazing to the bottom edge of the door. Wire glass vision panel is acceptable when required by applicable codes. This section

applies only to new buildings designed for commercial or institutional uses, and does not apply to exterior doors installed to provide access to building utilities only. The Development Services Manager may approve other types of vision panels providing equal security.

(Clarifies a trademark issue)

Section 4-407 Art in Private Development.

Developers of projects that contain more than fifty thousand (50,000) square feet gross floor area of commercial or office use within any zoning district, or a phase of a larger project approved after February 24, 1990 that contains a total of more than fifty thousand (50,000) square feet gross floor area of commercial or office use within any zoning district, shall contribute to Art In Private Development. The art contribution shall take the form of either on-site installation of exterior artwork or an equivalent cash donation to the Tempe municipal arts fund. All art contributions shall conform to the City of Tempe Art In Private Development Guidelines adopted by the City Council (See Appendix D).

CHAPTER 5 – ACCESS AND CIRCULATION

Section 4-501 Purpose and Applicability.

Section 4-502 Motor Vehicle Access and Circulation Standards.

Section 4-503 Pedestrian and Bicycle Access and Circulation Standards.

Section 4-501 Purpose and Applicability.

- A. Purpose.** The purpose of Chapter 5 is to implement the Comprehensive Transportation Plan and ensure that developments provide safe and efficient access and circulation for pedestrians (including ADA and transit accessibility), motorized vehicles, and bicycles.
- B. Applicability.** Section 4-502 provides standards for vehicular access and circulation. Section 4-503 provides standards for pedestrian and bicycle access and circulation. These standards are intended to be used in conjunction with the standards for buildings, landscapes, and streets, as provided in other chapters of this Code.

Section 4-502 Motor Vehicle Access and Circulation Standards.

- A. Purpose.** This section provides for vehicle ingress and egress, internal circulation, and transportation demand management options within developments. Vehicular access and circulation must be properly designed so that city's street system will be able to accommodate traffic at an acceptable level of service. Thus, this section is intended to balance the right of reasonable access to private property with safe and efficient travel. Streets have been categorized in the Comprehensive Transportation Plan by function, and classified for access purposes based upon their level of importance and function. Regulations have been applied to these roadways for the purpose of mitigating traffic demand and reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the street network. These regulations further the orderly use of land, protect community character, provide universal pedestrian and bicycle access, and conserve natural resources by promoting well-designed road and access systems.
- B. City Approval of Access Required.** Access to a public street requires approval by the Public Works Manager based on the standards contained in this Code and the City of Tempe Public Works Standard Details.
- C. Traffic Impact Analysis.** The city may require a traffic impact analysis prepared by a registered engineer to determine access, circulation, transportation demand management, and other reasonable transportation system mitigation requirements in reviewing a land use or development

application. This analysis shall generally conform to the city's Policy for Traffic Impact Studies (Transportation Division), as amended.

D. Access Location Options. One (1) or more of the following access locations shall be required by the city, consistent with the city's access spacing standards (Section 4-502G) and based on land use or development review (list is prioritized):

1. Access through adjacent property when cross-access easement is provided;
2. Access through existing or proposed side street, if a corner lot or double frontage lot;
3. Access from frontage street (parallel to arterial or freeway);
4. Access from arterial street in conformance with access spacing standards;
5. Access through alleys is permitted subject to the provisions under 4-502E; and
6. Site specific combination of above options.

E. Access – Ingress and Egress.

1. All parking areas shall be designed so as to provide ingress and egress from a public street by forward motion of the vehicle. Single-family developments, or multi-family developments with eight (8) or fewer dwelling units, when located on a local residential street, are exempt from this requirement;
2. Using an alley for access to a non-single family use parking area opposite any single-family (R1) zoning district is permitted only when part of an approved use permit. If a use permit is granted, then the alley must be paved based on the City of Tempe Public Works Department Standard Details and standard details;
3. All off-street parking areas shall have access to a public street by means of a paved driveway that extends twenty (20) feet from the public right-of-way to the parking area. All parking areas shall be setback from the public right-of-way by a minimum of twenty (20) feet;
4. Where an entry gate or guardhouse controls vehicle access or egress, a stacking lane shall be provided as recommended by the Public Works Manager or his or her designee. The stacking lane shall not interfere with maneuvering, traffic flow of aisles, streets, bike paths, parking spaces, and sidewalks.

F. Access and Maneuvering for Fire and Refuse Trucks.

1. Parking lots shall have the necessary dimensions for the on-site maneuvering of refuse vehicles and fire trucks, as determined by the Public Works Manager. A minimum twenty (20) foot wide, unobstructed driveway, lane, or other access way and turn-around may be required for this purpose. If off-site maneuvering is necessary, a permanent, recorded cross-access easement must be filed with the Public Works Manager prior to issuance of a building permit.
2. A fire equipment access lane shall be provided for any portion of an exterior wall of the first story of a building that is located more than one hundred fifty (150) feet from an existing public street or approved fire equipment access drive.

G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. **Local Streets.** Driveways on local streets shall be separated from alleys by a minimum of twenty (20) feet, as measured from the edges of driveway apron/alley. Driveways shall be separated from adjacent local street intersections by a minimum of twenty (20) feet from the point of intersection based on property lines.
2. **Arterial and Collector Streets.** Access spacing on collector and arterial streets shall be determined based on the policies and standards in the Comprehensive Transportation Plan. However, driveway curb cuts shall not be located within one hundred (100) feet of the point of intersection of property lines at arterial or arterial/collector street intersections.
3. **Access Management.** Access management controls, such as shared access, and/or access separation greater than that specified by subsections 1 & 2 above, may be required by the city for the purpose of protecting the function, safety and operation of the street system in conformance with the Comprehensive Transportation Plan. Where no other reasonable access alternative exists, the city may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

General Plan Reference -- See Comprehensive Transportation Plan provisions.

H. Number of Access Points.

1. For single-family and two (2) family (duplexes) residential uses, one (1) street access point is permitted per every fifty (50) feet of street frontage. There is no restriction on the number of access points to alleys.
2. For multi-family, commercial, industrial, public facility, and institutional developments, the number of street access points shall be minimized to protect the function, safety and operation of the street system. Shared access may be required in new developments.

I. Vertical Clearances. Driveways, private streets, aisles and turn-around areas, when required for fire and refuse access, shall have a minimum vertical clearance of thirteen (13) feet six (6) inches for their entire length and width.

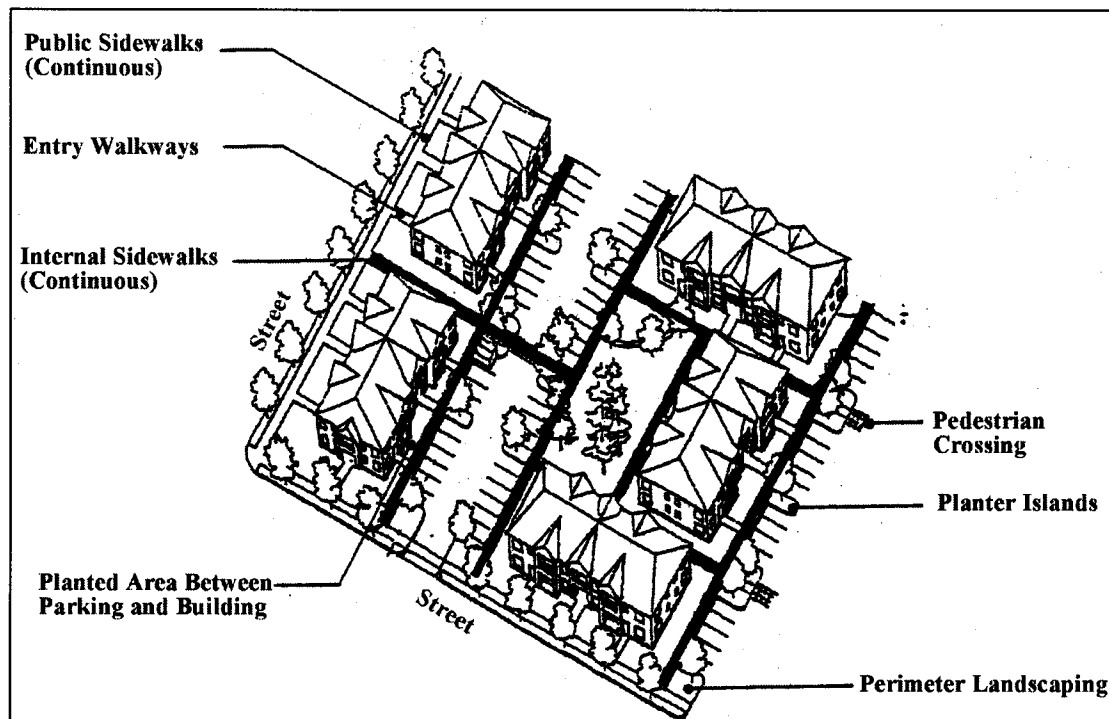
(Clarifies that driveways for single family homes are not subject to vertical clearance standards.)

J. Vision Clearance. Driveways, private streets, aisles, turn-around areas, parking structure entrances, and ramps shall conform to the vision clearance standards in Section 4-702G.

- K. Driveways.** Driveways shall be the minimum width necessary to provide the required number of vehicle travel lanes and to promote traffic calming in pedestrian areas. The specific driveway design standards are provided in the City of Tempe Public Works Department Standard Details and Pedestrian and Bicycle Facility Guidelines, contained in the Comprehensive Transportation Plan.
- L. Driveway and Private Street Construction.** The following development and maintenance standards shall apply to all driveways and private streets:
1. **Surface.** Driveways, parking areas, aisles, and turn-arounds shall be paved with asphalt or concrete; or alternatively, a dust-proof, porous paving material (e.g. decomposed granite) may be used when approved by the Development Services Manager as part of a storm drainage retention plan. When such porous paving material is used, tire cleaning strip(s) shall be provided at each egress (i.e. to prevent any loose gravel from entering the right-of-way). Use of porous paving materials shall conform to ADA design guidelines. (Refer to Federal ADA guidelines).
 2. **Storm Drainage Management.** All development and redevelopment projects shall convey storm drainage from driveways in conformance with an approved storm drainage retention plan.
- M. Mobile Home Park, Mobile Home Subdivision, and Trailer Park Access.** Mobile home parks, mobile subdivisions, and trailer parks shall conform to the access requirements in Section 3-416.

Section 4-503 Pedestrian and Bicycle Access and Circulation Standards.

- A. Purpose.** The purpose of this section is to implement the Comprehensive Transportation Plan, provide transportation options and ensure that new pedestrian and bicycle facilities are designed to be attractive, safe and convenient to use, as well as ADA accessible and supportive of transit use.
- B. Pedestrian and Bicycle Accessibility.** All projects that are subject to the provisions of this Code shall provide for pedestrian and bicycle accessibility. Accessibility shall be from a direct, convenient and attractive pathway system that conforms to the following standards:
1. **Continuous Pathways.** A pathway system shall extend through the development site and connect the street sidewalk to all primary building entrances, as generally shown in Figure 4-503B. The Development Services Manager may require the developer to connect or stub pathway(s) to adjacent streets, private property, adjacent trails, plazas, future phases of development, and open space areas (when reciprocal access easement is available or can reasonably be provided).

Figure 4-503B. Typical Pedestrian Pathway

C. Pathway Safety, Comfort, and Convenience. All portions of a development shall be accessible by a direct, convenient, attractive, safe and comfortable system of pedestrian facilities, as follows:

1. **Direct:** The pathway does not deviate unnecessarily from a direct route or involve a significant amount of out-of-direction travel for likely users.
2. **Safety and comfort:** The pathway is free from hazards, has appropriate lighting levels (i.e., relative to the adjacent use and considering natural surveillance), is suitable for people in wheelchairs (e.g., traction, not bumpy, etc.) and people with visual impediments and provides a reasonably direct route of travel between destinations. The use of shade trees or shade structures, and light color paving materials are required along pathways that cross surface parking lots, in accordance with Section 4-503F.
3. **Access to primary building entrances and parking areas:** For commercial, industrial, mixed-use, public and institutional buildings, at least one pedestrian pathway shall connect the public sidewalk to a primary entrance, and at least one pathway shall connect the primary building entrance to the street sidewalk; these may be one in the same if it is "direct". A "primary entrance" is the main public building entrance. In the case where no public entrance exists, pathway connections shall be provided to the main employee entrance. For multi-family buildings and ground-floor residential uses in mixed-use buildings, the "primary entrance" is the front door (i.e., facing the street); except that multi-

family buildings or courtyard housing in which each unit does not have its own exterior entrance facing a street, the "primary entrance" may be a lobby, courtyard, plaza or breezeway which serves as a common entrance for more than one dwelling.

4. Pedestrian amenities: Pedestrian amenities shall be provided along sidewalks and pathways to support defensible space, crime prevention, pedestrian comfort and accessibility, in conformance with Section 4-705.
5. Accessibility: The pathway system shall comply with ADA requirements.

D. Pedestrian and Bicycle Access Ways. Access ways (for pedestrians and bicycles) shall be provided through a site in the following situations: such pathways are identified in the city's adopted bicycle/pedestrian plans; where the block length exceeds the length required by Section 4-303E; where cul-de-sacs or dead-end streets are planned; to connect the ends of the streets together, to other streets, and/or to other developments, where practicable. Such access ways shall conform to the City of Tempe Pedestrian and Bicycle Facility Design Guidelines and comply with all of the following criteria:

1. Multi-use access ways (i.e., for pedestrians and bicyclists) may be required, as determined by the Public Works Manager, based on the likely use of the access way;
2. The access way shall be lighted in conformance with Section 4-803;
3. Ramps are required for slopes greater than five percent (5%);
4. Landscaping within the pathway easement/right-of-way shall be required for screening, maximize shade, and the privacy of adjoining properties, consistent with the landscaping guidelines in Section 4-702.

(Clarifies intent)

E. Design and Construction Standards for Pathways and Access Ways. At a minimum, all pathways and access ways shall conform to all of the standards in subsection 1-5, below, and the Pedestrian and Bicycle Facility Design Guidelines, contained in the Tempe Comprehensive Transportation Plan. See also Figure 4-503B.

1. Vehicle Separation from Pathways and Access Ways. Where pathways and access ways are parallel and adjacent to a driveway or street (public or private), they shall be raised six (6) inches and curbed, or separated from the driveway/street by a buffer strip, with a minimum width of seven (7) feet, utilizing bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
2. Housing Separation from Pathways and Access Ways. Pedestrian pathways and access ways shall be separated a minimum of ten (10) feet from all residential living areas on the ground-floor, except at building

CHAPTER 6 – PARKING

Section 4-601 Purpose and Applicability.

Section 4-602 General Parking Standards.

Section 4-603 Parking Ratios.

Section 4-604 Shared Parking.

Section 4-605 Parking Affidavit.

Section 4-606 Parking Area Dimensions.

Section 4-601 Purpose and Applicability.

A. Purpose. The purpose of Chapter 6 is to provide standards for vehicle and bicycle parking facilities. This chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements.

B. Applicability. Conformance to the standards in Chapter 6 shall be required for all uses and developments, ~~as applicable~~ except as noted herein. Construction or modification of any parking area, except single-family residential parking areas, shall comply with plans that have been approved by the city. Single-family parking areas shall conform to subsection 4-602C.

(Clarification and consistent with other sections.)

Section 4-602 General Parking Standards.

A. Parking Required. No use shall provide less than the minimum or more than the maximum number of off-street parking spaces required under Section 4-603. The use of any property is conditional upon the unqualified continuance and availability of the parking as required by this Code. In phased PADs, individual phases of the PAD are exempt from the maximum parking standards, provided that the PAD does not exceed the maximum allowable parking at buildout.

B. Parking Standards Applicable in All Zoning Districts.

1. Parking spaces shall conform to the vision clearance standards in Section 4-702G and the pedestrian and vehicle circulation standards in Sections 4-502 and 4-503;
2. Parking is allowed only on paved parking surfaces. Pavement may be concrete, asphalt, or a porous material approved by the Development Services Manager. Where decomposed granite or similar porous

pavement is used, it shall conform to ADA guidelines and the parking lot entrance(s) and exit(s) shall have treads to remove loose particles from the tires of vehicles;

(Clarifies intent)

3. A parking area shall be located on the lot it serves, or on a contiguous lot. Whenever required parking is provided on a contiguous lot a parking covenant and agreement shall be filed with the Development Services Department prior to issuance of a building permit;
4. Parking for uses located on property zoned as multi-family residential, commercial, mixed-use or office/industrial may not be provided on any property in a single-family (R1) district. Parking for any non-residential use permitted in the single-family zoning districts may be located in any other zoning district;
5. A curb or bumper guard at least six (6) inches in height shall be installed so that no part of any vehicle extends into any landscaped setbacks or landscaped areas required by this Code or beyond any property line. Parking may overhang non-required landscaping by two (2) feet in which case the length of parking stall shall be reduced by two (2) feet;
6. A curb or bumper guard at least six (6) inches in height shall be installed so that no part of any vehicle extends into a pathwalkway or beyond any property line. Parking may overhang pathwalkways by two (2) feet when pathwalkway is a minimum six (6) feet in width. No vehicle may overhang any bikeway facility or public sidewalk;

(Clarification and consistent use of terms)

7. A landscape island shall be installed at the ends of each row of parking. Additional landscape islands shall be installed such that no more than 15 consecutive parking spaces occur. See parking facility landscape standards under Section 4-704;
8. Except as provided in subsection 4-602C1, below, recreational vehicles exceeding twenty-one (21) feet in length and all boats and trailers shall not be parked in the required front yard or required street side yard, except for periods of up to forty-eight (48) hours for the purpose of loading, unloading and cleaning; and
9. All parking spaces shall be adequately marked, and the paved area shall be properly drained and kept free from dust or loose particles at all times.

C. Parking Standards Applicable in Single-Family Uses and Development. In addition to the requirements of Section 4-602B above, the following standards shall be met in all single-family (R1) and agriculture (AG) zoning districts:

1. Recreational vehicles, boats, and boat trailers that exceed twenty-one (21) feet in length and are parked in the required front yard or required street side yard shall be subject to a use permit;

2. Parking requirements for projects in the R1-PAD district shall be established with the PAD approval; and
3. Required parking spaces may be located in the required front yard or required street side yard subject to a use permit.

D. Parking Standards Applicable in Zoning Districts Other Than Single-family. In addition to the requirements of Section 4-602B above, those uses allowed in all other zoning districts shall comply with the following regulations:

1. Tandem parking may be allowed, subject to an approved use permit or Planned Area Development;
2. Paved areas that are in a fire lane, driveway, drive-through lane or service bay and that are needed for circulation in front of loading ramps or bay doors shall not be used for parking or outdoor display at any time. Parking stalls that would block a building entrance are prohibited; ~~and~~
3. Parking structure designs shall minimize risk and opportunity for crime through clearly marked and accessible pedestrian routes, wayfinding, lighting, and opportunities for surveillance; and
4. Parking lots for adjacent commercial uses are permitted in any multi-family district subject to a use permit.

(This section was unintentionally omitted from the draft code. It exists in our current code and was intended to be carried forward.)

Section 4-603 Parking Ratios.

The number of required off-street vehicle and bicycle parking spaces shall be calculated for each use as follows:

- A. On-Site Parking Spaces.** The minimum parking ratios in Table 4-603E, below, are applied to each use on the site. Statements like "+ office" are intended to remind the applicant to identify and include all independent uses. Parking calculations shall be provided for every separate main or primary use on the site, as identified in the site and floor plans submitted for city approval.
- B. Accessible Parking Spaces (Americans With Disabilities Act - ADA).** The minimum number of accessible parking spaces shall conform to ADA requirements. Refer to Federal ADA code.
- C. Maximum Parking Spaces.** Except for the RCC zoning district and all MU districts, the number of parking spaces provided by any development in surface parking lots shall not exceed one hundred twenty-five (125) percent of the minimum required spaces in Table 4-603E, except as follows:

(Clarification of the intent of the parking maximums)

1. Parking within the building footprint of a structure (e.g., rooftop parking, below-grade parking, multi-level parking structure);

exceed forty thousand (40,000) square feet. Parking is calculated with twenty percent (20%) office and eighty percent (80%) warehouse. The warehouse standard is one space per five hundred (1/500) square feet for the first ten thousand (10,000) square feet and one space per five thousand (1/5,000) square feet for the remaining warehouse area. The office shall be calculated at one space per three hundred (1/300) square feet. No minimum floor area is specified in this scenario.

4. Bicycle Parking. The bicycle parking ratios are indicated in the columns listed in Table 4-603 E. when required. Bicycle parking ratios in the "Bicycle Commute Area" apply to properties north of Southern Avenue extending north, east and west to the city limit lines.

E. Parking Ratio Table. Table 4-603E provides minimum off-street parking requirements for uses allowed by this Code. Requirements for uses not specifically listed shall be determined by the Zoning Administrator using the similar use ruling procedure in Section 6-301. Parking ratios for uses in all MU zoning districts shall be established through the PAD process.

(These changes will retain the current flexibility that is in Ord. 808. The standards for these zoning districts will be established through the public hearing process for the zoning and PAD.)

Table 4-603E: Ratios for Off-Street Parking

Use	Vehicle Parking Minimums	Bicycle Parking Minimums	Bicycle Commute Area
Amusement park	1 per 500 sf of public area	1 per 5,000 sf	1 per 2,500 sf
Arcade	1 space per 150 sf	1 per 1,000 sf	1 per 500 sf
Auto sales & service	1 space per 300 sf; 7 spaces minimum	4 spaces	4 spaces
Bank	1 space per 300 sf	1 per 3,000 sf	1 per 1,500 sf
Bar/nightclub	1 space per 50 sf	1 per 1,000 sf	1 per 500 sf
Bed and Breakfast/guest room	1 space per BR	N/S	N/S
Billiard Establishment	1 space per 125 sf	1 space per 2,000 sf	1 space per 1,500 sf
Boarding house (This use has been deleted from the code.)	4 space per BR	N/S	N/S
Bowling alley	5 spaces per lane + bar, etc.	0.5 per lane	0.5 per lane
Call center	1 space per 150 sf	1 per 1,500 sf	1 per 750 sf
Car wash – automatic	1 space per 300 sf	4 spaces	4 spaces
Car wash – self serve	0.5 spaces per bay	N/S	N/S
Church/place of worship	1 space per 100 sf for sanctuary + school, etc.	1 per 1,500 sf	1 per 1,500 sf
Conference/assembly	1 space per 125 sf	1 per 2,000 sf	1 per 2,000 sf
Convenience store/gas	1 space per 300 sf	1 per 2,000 sf	1 per 1,000 sf
Court (tennis, racquetball, etc.)	2 per court + restaurant, etc.	0.5 per court	0.5 per court
Day care, children	1 space per 300 sf	1 per 3,000 sf	1 per 1,500 sf
Fraternity/sorority	1.5 spaces per BR	0.5 per BR	1 per BR
Furniture sales	First 10,000 sf @ 1 space per 500 sf + 1 space per 5,000 sf remaining	1 per 5,000 sf	1 per 5,000 sf
Golf course/clubhouse	4 spaces per green + restaurant, pro shop, etc.	0.2 per green	0.2 per green
Golf driving range	0.5 space per tee + retail (pro shop)	1 per 10 tees	1 per 10 tees
Health club/spa	1 space per 125 sf or sum of components (courts, daycare, office, etc.), whichever is less	1 per 2,000 sf	1 per 2,000 sf
Hospital	0.5 space per bed & 1 space per doctor on staff + 0.5 space per employee	0.2 space per employee	0.2 space per employee
Hotel/motel	1 space per unit + office, etc.	1 per 20 units	1 per <u>20</u> units (Typo)
Lodge/club	1 space per 125 sf	1 per 2,000 sf	1 per 2,000 sf
Manufacturing	1 space per 1,000 sf + office	1 per 10,000 sf	1 per 10,000 sf
Mini-golf	1 space per hole + arcade, etc.	0.5 per hole	0.5 per hole
Mini-warehouse	1 per 5,000 sf; includes manager's office	N/S	N/S
Mobile home/trailer	2 spaces + 0.2 guest spaces per unit	N/S	N/S
Mortuary	1 space per 125 sf	2 spaces	2 spaces

CHAPTER 7 – LANDSCAPE & WALLS

- Section 4-701 Purpose and Applicability.**
- Section 4-702 General Landscape Standards.**
- Section 4-703 Street Frontage Landscape Standards.**
- Section 4-704 Parking Facility Landscape Standards.**
- Section 4-705 Pedestrian Amenities.**
- Section 4-706 Screens, Walls and Access Control Landscapes.**

Section 4-701 Purpose and Applicability.

- A. Purpose.** This chapter provides standards for the design of landscape treatments and access control landscapes, including planted materials, ground covers, landscape structures, hardscapes (e.g., plazas, courtyards, walls), screening, and access control devices such as fences and gates. Its purpose is to create functional, safe, accessible and attractive outdoor areas, as well as screen from view any and all uses that may be unattractive to public view. Landscape design standards are intended to: assist in controlling erosion, reduce dust and glare, provide shade, visually soften building masses, create defensible spaces that support crime prevention, ensure ADA accessibility and aid in screening intense activities. The design standards and referenced guidelines in this chapter are intended to be flexible and adaptable to address the context in which they are applied.
- B. Applicability.** All uses and developments shall conform to the standards of this chapter, except as provided for uses and developments in the RCC district, all MU districts and single-family uses, as noted herein. Standards for landscape, walls and screening in the RCC district and all MU districts shall be established through the Design Review Board and City Council. Written approval by the Development Services Department is required prior to installation of any landscaping, walls, fences, or other improvements. Except as provided for under Section 4-102D (Bonding), all landscape and walls shall be installed prior to issuance of an occupancy permit. Any walls to be located within the public right-of-way shall require development plan approval and/or prior approval by the Public Works Department, and receive an encroachment permit.

(These changes will retain the current flexibility that is in Ord. 808. The standards for these zoning districts will be established through the public hearing process for the zoning and PAD.)

Section 4-702 General Landscape Standards.

Section 4-702 General Landscape Standards.

A. Water Retention Area Landscape Standards. All on-site water retention areas, other than paved surfaces, shall be entirely landscaped, and comply with the criteria below:

1. The retention areas shall not occupy more than sixty-seven percent (67%) of the on-site street frontage landscape area (landscape area does not include driveways); and
2. All retention areas shall maintain slopes no steeper than four to one (4:1), except as approved by the Public Works Manager.

Cross reference — See also Section 5-102 for additional requirements for parcels in the Rio Salado Overlay District.

B. Low Water Use Landscape. All development, except as noted herein, shall comply with the Low Water Use/Drought Tolerant Plant List, as provided by the Arizona Department of Water Resources. Except for residential units, bona fide city parks of less than ten (10) acres in total area that are intended for use and enjoyment of the general public, whether or not such parks are owned by the city or by a private entity, and "turf-related facilities" as defined by the Arizona Department of Water Resources (ADWR) Second Management Plan (Phoenix), all new development shall conform to the following criteria:

1. **Limit on Water Intensive Landscaping.** Landscape installations for new construction and whenever a new landscape plan is required to be filed for the entire site, except hotels and motels, shall limit the area of water intensive landscaping (including bodies of water, water features, and turf) to no more than twenty percent (20%) of landscapable area in excess of ten thousand (10,000) square feet. Schools, parks, cemeteries, golf courses, common areas of housing developments and public recreational facilities with water-intensive landscaping equal to or greater than ten (10) acres are exempt from this provision. New hotels and motels shall limit the area of water-intensive landscaping to no more than twenty percent (20%) of the landscapable area in excess of twenty thousand (20,000) square feet.
2. **Landscape Plan and Inspection Required.** For any project covered under subsection 4-702B1, above, no building permit shall be issued until the Development Services Department has approved a landscape plan and an irrigation plan. A certificate of occupancy shall not be issued until the Development Services Department has approved the installation of the irrigation system and landscape treatments, except as provided in Section 4-102D.

C. Landscape Area. Each site to be developed shall be required to provide landscape areas equal to or exceeding the minimum amounts provided in Chapter 2, Tables 4-202B, 4-203A, 4-203B and 4-204. Where buildings and/or parking areas are set back from the street, all front and street side yards shall

be entirely landscaped, except city approved pathways, driveways, parking areas and pedestrian amenities. In addition to the minimum on site landscaping, there shall be landscape in the entire area of the right of way, between street property line and back of street curb, except for approved driveways, ~~pathways~~ walkways and bike paths.

D. Ground Cover. Other than pathways, light standards, walls, fences, trees, and furnishings, landscape areas shall be planted with vegetative ground cover or contain other ground cover materials approved through development plan review.

E. River Rocks. Any river rock material must be embedded in concrete to a depth of two-thirds (2/3) the dimension of the rock to prevent its removal or relocation.

F. Trees.

1. **Planted as Screens.** Trees planted as screens shall provide an opaque or semi-opaque barrier, as required through development plan review, and shall maintain a view corridor for street addressing (i.e., as viewed from curb).
2. **Tree Specifications.** All trees shall be a minimum of one and one-half (1 ½) inch caliper and shall be planted and staked in accordance with the "Standard Tree Planting Detail," as may be amended from time to time, which is on file in the office of the Development Services Department and is incorporated herein by reference. Plant sizes shall be in accordance with the Arizona Nurseryman Association Standards.
3. **Prohibited Trees.** The planting and replacement of pollen-producing olive trees (*olea europaea*) or mulberry trees (*morus alba*) is prohibited. Olive or mulberry tree varieties or cultivars that are pollenless and fruitless such as "swan hill" olive may be planted or replaced. It shall be ~~unlawful~~ a violation of this code to plant eucalyptus, elm, willow, cottonwood or poplar trees in any public right-of-way.

(Rewording for consistency)

G. Clear Vision Requirements.

1. **Street Intersections and Driveway Entrances.** Except as otherwise approved in writing by the Public Works Manager, a wall, building, landscaping, or other visual obstruction exceeding two (2) feet in height (measured from street curb, see Appendices B and C for a list of recommended shrubs) shall not be placed within a "clear vision triangle". Reference the "Intersection Site Distance Section" of the current addition of the AASHTO policy on Geometric Design of Highways and Streets. There shall be an exception for a reasonable number of trees pruned high enough to permit unobstructed vision.

exception for a reasonable number of trees pruned high enough to permit unobstructed vision.

Section 4-703 Street Frontage Landscape Standards.

- A. Street Trees.** Trees shall be planted along street frontages, as approved through development plan review. Street frontage landscape shall conform to the following standards:
1. Street trees are required along all street frontages, public and private; and
 2. A minimum of one (1) tree shall be provided for every thirty (30) feet of lineal street frontage. Tree location and spacing shall be established through development plan review.
- B. Screen Parking Areas Along Street.** Where parking areas are provided along a street frontage, a screening wall or berm shall be provided in conformance with Section 4-706E.

Section 4-704 Parking Facility Landscape Standards.

All parking facilities shall conform to all of the standards below:

- A. Parking Lot Landscape.** Parking lots shall have landscape treatments that provide shade and allow for natural surveillance. Two (2) options are provided for conformance:
1. **Option 1: Standard Dimensions.** A minimum of ten percent (10%) of the surface area of all surface parking lots, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscape treatments shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one (1) tree per twelve (12) parking spaces total shall be planted to create a partial tree canopy over and around the parking area. Parking areas shall contain landscape islands with trees to subdivide the parking area into rows of not more than fifteen (15) contiguous parking spaces. Landscape island spacing is flexible within the above standards.
 2. **Option 2: Performance Standard Based on Tree Canopy.** The landscape plan provides for an overall tree or shade canopy above surface parking areas that is not less than twenty percent (20%) of the parking area, based on the expected size of trees within five (5) years of planting. Such

determination shall be based on landscaping or tree planting guides for the region (e.g., Sunset Western Garden Book). Shade structures may be used, subject to a development plan review approval. This standard shall be met at 3:00 p.m. on the date of summer solstice. A development plan shadow study is required to verify this option. (Typo)

B. Parking Structures. Parking structures shall have perimeter landscape, consistent with building setbacks, that is designed to provide partial screening of walls and vehicle lights, shade along sidewalks, and natural surveillance into parking structures, consistent with Section 4-706. Such landscape shall be as approved through design review.

C. Parking Lot Landscape Dimensions. All parking areas shall conform to the following standards:

1. Landscape islands as required in Section 4-602B7 shall be provided except that raised curbs are not required where parking areas drain into storm drainage retention features that are integrated into the parking area and landscape design;
2. Each landscape island shall be not less than seven (7) feet in total width and the length, including curbing, shall be equal to the length of the abutting parking stall(s), to ensure adequate soil, water, and space for healthy plant growth. Each landscape island in the parking area shall be a minimum of one hundred twenty (120) square feet in area, including curbs;
3. To accommodate pedestrians, landscape islands may be required to include minimum five (5) foot wide raised pathway with wheelchair ramps. For such situations landscape island widths shall be increased to a minimum twelve (12) feet;
4. Each landscape island shall include at the time of installation a minimum of one (1) tree ~~of~~ with a minimum caliper of one and one-half (1 ½) inches and five (5) ground covers of one (1) gallon size for each parking stall length. All ground covers in parking lot landscape islands shall not exceed two (2) feet in height and be selected from the recommended ground cover and shrub plant list (see Appendix B), and be of a species that will not grow to interfere with natural surveillance of the parking lot. Development plan review modifications to these and other standards shall demonstrate that the alternative provides equal or superior appearance and plant health;

(Typo)

5. All parking areas shall conform to the street vision clearance standards under Section 4-702G; and
6. Tree trunks shall not be placed closer than twenty (20) feet, measured horizontally, from a light source. Trees and lighting shall be located to avoid conflicts with one another and to avoid conflicts with existing and proposed structures. Development plan review modifications to this

CHAPTER 8 – LIGHTING

- Section 4-801** **Purpose and Applicability.**
- Section 4-802** **Photometry~~ic~~ Plan.** *(grammar change)*
- Section 4-803** **Lighting Standards.**
- Section 4-804** **Prohibited Lighting.**
- Section 4-805** **Exemptions.**

Section 4-801 **Purpose and Applicability.**

- A. Purpose.** It is intended to ensure appropriate lighting levels that support wayfinding and crime prevention, assist people with visual impairments, allow flexibility in architectural design, minimize undesirable light and glare into adjoining properties and minimize light pollution into the nighttime sky.

(Is intended to clarify the purpose)

- B. Applicability.** This chapter applies to lighting for uses on-site (i.e., not in the public right-of-way). It does not apply to streetlights in the public right-of-way, which are governed by the City of Tempe Public Works Department Standard Details. All exterior lighting installations require the approval of the Development Services Manager prior to installation except as noted in Section 4-805. Standards for lighting in the RCC zoning district and all MU districts shall be established through the Design Review Board and City Council. Any person applying for a building, electrical or sign permit to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with the provisions of this chapter.

(These changes will retain the current flexibility that is in Ord. 808. The standards for these zoning districts will be established through the public hearing process for the zoning and PAD.)

Section 4-802 **Photometry~~ic~~ Plan.**

Any building or development submitted for a building permit shall contain information on the type of lighting and illumination levels proposed (photometry~~ic~~ plan). The contents of photometry~~ic~~ plans shall be as specified in Appendix E.

(Grammar change)

Section 4-803 **Lighting Standards.**

Prior to issuance of a building, electrical or sign permit, the Development Services Manager shall determine that the submitted plans and details for said permit are in conformance with the following standards. The stamping of the plans and the signature of the Development Services Manager or designated representative and the

date of the signature shall indicate that the plans are in conformance. Should the applicant desire to substitute outdoor light fixtures or lamps to be installed on private property after a permit has been issued, the applicant shall submit all changes to the Development Services Manager for approval, with adequate information to assure compliance with this chapter.

A. Illumination in General. Exterior lighting shall provide for appropriate and desirable nighttime illumination for all uses on and related to the site, including, but not limited to, pedestrian pathways, plazas, courtyards, building entrances, parking and driveway areas, automatic teller machines (ATMs), and other outdoor spaces commonly used at night. Lighting of exterior areas shall reduce conflicts between building design and landscape treatments, provide appropriate surveillance for crime prevention, and minimize glare or intrusive light onto adjoining properties and into the night sky.

B. Illumination Levels. The maximum illumination level for on-site lighting is forty (40) foot-candles as measured at grade, based on light loss factor of sixty-eight ~~one hundredth~~ percent (0.68) for metal halide lighting and seventy-two ~~hundredth~~ percent (0.72) for high pressure sodium lighting. Refer to Section 4-805 Exemptions.

(Grammar change)

C. Mounting and Operation of Light Fixtures. The mounting and operation of light fixtures shall be governed by the following:

1. Building mounted light fixtures shall be attached only to walls and the top of the fixture shall not be higher than necessary to illuminate the area required;
2. In any residential zoning district or within fifty (50) feet of any residential zoning district, freestanding light fixtures shall not exceed eighteen (18) feet in height. Within the next fifty (50) to one hundred fifty (150) feet of any residential zoning district, freestanding light fixtures shall not exceed twenty-five (25) feet in height. In all other locations, freestanding light fixtures shall not exceed thirty (30) feet tall;
3. To comply with 1 and 2, above, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture;
4. Controls for lights for rest rooms identified for general public use shall be of the style that cannot be turned off or on by users other than staff;
5. Light fixture design:
 - a. All luminaires used for security shall be vandal resistant that resist tampering, incorporate vandal resistant refractors (lens) and be provided with a gasket or seal that is designed to resist rain, dust and insect contamination;

- b. Outdoor light fixtures, which are fully shielded to direct all light below a horizontal plane through the bottom of the fixture and have no lens which drops below the fixture may use any illumination source, up to a maximum of forty (40) foot-candles, as provided in Section 4-803B;
 - c. Outdoor light fixtures, which have a lens or diffuser which is visible above the horizontal plane and constructed of white/opal glass, are considered non-shielded and filtered and shall be limited to the light output equal to a one hundred (100) watt incandescent bulb, no greater than one thousand seven hundred (1,700) lumens;
 - d. Outdoor light fixtures, which have a lens or diffuser which is visible above the horizontal plane and constructed of clear or prismatic glass, are considered non-shielded and non-filtered and shall be limited to the light output equal to a fifty (50) watt incandescent bulb no greater than six hundred (600) lumens;
 - e. All conduit shall be concealed;
 - f. The foot-candle level at the property line adjacent to a single-family district (from the proposed lighting) shall not exceed one-half (0.5) foot-candle. Lighting next to a residential use shall not spill over onto that use;
 - g. Lighting fixtures used to illuminate an outdoor advertising sign (billboard) shall be mounted on the top of the sign structure and shall comply with the shielding requirements of this chapter;
- 6. Ornamental twinkling lights are permitted when part of a window display, patio, landscape or other integral part of a business, provided that they do not exceed one-half (0.5) foot-candles at the property line and do not conflict with the provisions of Section 4-803C5f, above, related to adjacent residential use; and
 - 7. Other conditions related to lighting may be required through design review.

D. Specific Areas to be Illuminated. The following areas on a building or development shall be illuminated to the minimum security lighting levels shown below:

(Changes to 1-7 below, will create a consistent method of measuring illumination. Currently it is difficult to ascertain if the light meter was held at the 6 feet height when it was read. Also, a grammar change to consistently use the term "finish grade".)

- 1. All loading areas and docks shall be illuminated from dusk to dawn, with four (4) foot-candles of light at finish grade ~~to six (6) feet above finish grade~~;
- 2. Carport parking structures shall be illuminated from dusk to dawn, with three (3) foot-candles, including the adjacent landscape area at finish grade ~~to six (6) feet above finish grade~~;

3. Parking structures and parking garages shall be illuminated from dawn to dusk, with ten (10) foot-candles and from dusk to dawn, with four (4) foot-candles. Sub-level parking shall be continuously illuminated twenty-four (24) hours a day with four (4) foot-candles at finish grade ~~to six (6) feet above finish grade~~. Transitional lighting will be required at all entry areas;
4. All stairwells, landings and under areas under the lower landing shall be continuously illuminated with five (5) foot-candles;
5. Breezeway lighting shall be illuminated from dusk to dawn, with four (4) foot-candles. Transitional lighting will be required at all entry areas to the breezeway corridor;
6. Exterior pedestrian pathwalkways and adjacent landscape areas within twenty (20) feet of the pathwalkway shall be illuminated from dusk to dawn, with one-half (0.5) foot-candle of light from finish grade ~~to six (6) feet above finish grade~~. Pedestrian gates shall be illuminated from dusk to dawn, with five (5) foot-candles and one (1) foot-candle within a twenty (20) foot radius;
7. Retention areas shall be illuminated from dusk to dawn, with one-half (0.5) foot-candle of light from finish grade ~~to six (6) feet above finish grade~~;
8. Cluster or gang mailboxes shall be illuminated from dusk to dawn, with five (5) foot-candles of light for a fifteen (15) foot radius of the mailboxes;
9. Parking lots, aisles and refuse areas shall be illuminated from dusk to dawn as follows:
 - a. Parking spaces for motor vehicles and bicycles shall be illuminated with two (2) foot-candles;
(Clarifies that illumination is necessary for both motor vehicles and bikes)
 - b. Parking aisles shall be illuminated with one (1) foot-candle;
 - c. Refuse areas shall be illuminated to two (2) foot-candles, with gates five (5) foot-candles;
10. All building entrances, pedestrian and vehicular gates shall be illuminated with five (5) foot-candles at the entrance and two (2) foot-candles within a fifteen (15) foot radius from the center point of the entrance; and
(Clarifies that these gates as well as building entrances require security)
11. Secondary lighting may be required to supplement the primary security lighting due to design elements and landscape conflicts, in order to meet the minimum lighting criteria.

CHAPTER 9 – SIGNS

- Section 4-901** **Purpose and Applicability.**
- Section 4-902** **General Sign Standards.**
- Section 4-903** **Permitted Signs.**
- Section 4-904** **Sign Permits, Fees and Procedures.**

Section 4-901 **Purpose and Applicability.**

A. Purpose. The sign regulations are designed to encourage the creation of an attractive appearance throughout the city, while eliminating signs that may contribute to visual clutter. The regulations for signs have the following specific objectives:

1. To reflect and support the desired character and development patterns of the various zoning districts;
2. To allow for adequate and effective signs in all zoning districts while preventing signs from dominating the appearance of the area;
3. To distinguish between signs that require visibility from automobiles and those that are oriented to pedestrians;
4. To require design, construction, installation, and proper maintenance so that the public safety and traffic safety are not compromised;
5. To provide standards for location, size, construction, type, and number of signs; and
6. To provide reasonable limits on the magnitude and extent of graphic communication presented to the public.

B. Applicability. The regulations in Chapter 9 are applicable to all signs in the city, except as noted in Section 4-902D and in the RCC district and all MU districts. Standards for business signs in the RCC district and all MU districts shall be established through sign criteria approved by the Design Review Board and City Council.

(These changes will retain the current flexibility that is in Ord. 808. The standards for these zoning districts will be established through the public hearing process for the zoning and PAD.)

C. Non-Commercial Speech. Signs authorized in this chapter are allowed to contain non-commercial copy in lieu of any other copy.

C. Unauthorized Signs. An unauthorized sign is one that is illegally displayed in the city right-of-way, on city property, or on private property without the property owner's consent. City staff may remove such signs. These signs may be disposed of, as per Sections 26-51 through 26-59 of the Tempe City Code, if unclaimed within thirty (30) days.

D. Exempt Signs. The following signs are exempt from this Code:

1. Traffic or other governmental street signs, such as railroad crossing signs and notices, as may be authorized by the city and do not require permits; and
2. Signs of public utility companies indicating danger or that serve as an aid to public safety, or that show the location of underground facilities or public telephones and do not require permits.

E. Ceased Non-Conforming Signs. The owner, agent, tenant or person having beneficial interest in the business, property or premises on which such sign is located shall remove ceased non-conforming signs, including freestanding support structures, within one (1) year upon cessation of such business or sale of such product.

(Clarifies that this section is intended to have only non-conforming signs removed after the one year time period)

F. Sign Height Measurement. Sign height measurements are as follows:

"Freestanding Sign": Height is the distance from the top of the sign structure to the top of the curb. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

G. Sign Area Measurement. Sign area measurements are as follows:

1. Sign area includes the areas of all the following signs on site that pertain to any one business:

a. Awning Sign;

b. Building Mounted Sign;

~~c. Freestanding Identification Sign;~~

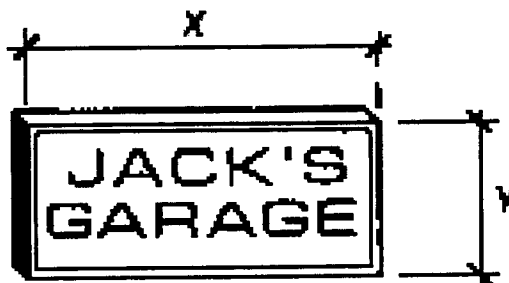
~~d.c.~~ Freeway Sign;

~~e.d.~~ Service Station Sign, excluding freestanding sign; and

~~f.e.~~ Theater/Museum Marquee Sign.

(This should help ease some of the concerns that have been expressed about sign area in the past. This modification is in addition to the revisions to the maximum sign area calculation in our current ordinance. See 2 below.)

2. The maximum total area for all signs on the premises for any one (1) business may be equal to forty (40) square feet plus one (1) square foot of sign area for every lineal foot of business frontage beyond forty (40) lineal feet, as measured by the business frontage. Businesses with freeway frontage may have additional sign area, see Section 4-903J (Freeway Sign).
3. Internal businesses and brands contained within a host business are allowed exterior signage. Sign area utilized by the internal business/brand shall be deducted from the sign area allowed for the host business sign area.
4. One sign face: Area of the single face only;
 - a. Sign copy mounted or painted on a background panel or area distinctively painted, textured, illuminated, or constructed as a background for the sign copy, shall be measured as the area contained within the geometric shape of the background panel or surface; and



- b. Sign copy mounted as individual letters or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, shall be measured as the area enclosed by the smallest geometric shape that will enclose all sign copy.



5. Multiple sign faces:
 - a. Two (2) faces: If the interior angle between the two (2) faces is forty-five (45) degrees or less, the area will be the area of one face only; if

I. Sign Maintenance. Sign maintenance requirements are as follows:

1. Signs on a property shall be maintained by the owner or person in possession of the property on which the sign is located. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit;
2. A damaged sign, including signs vandalized or subjected to graffiti, shall be repaired within sixty (60) days;
3. Metal pole covers and sign cabinets shall be kept free of rust and rust stains;
4. Internally illuminated sign cabinets or sign panels that have been damaged shall remain un-illuminated until repaired;
5. Signs that have been damaged to such extent that it may pose a hazard to passersby, as determined by the Development Services Manager, shall be repaired or removed immediately;
6. Maintenance of legal non-conforming signs shall be consistent with applicable Arizona law. A legal nonconforming sign that has been damaged to the extent of more than fifty percent (50%) of its reproduction value shall be removed or altered so as to conform to the provisions of Part 3, Chapter 5 Non-conforming situations; and
7. Failure to comply with these sign maintenance requirements shall constitute a violation of this Code.

J. Comprehensive Sign Package.

1. When a site is developed as a complex/or center, ~~or multi tenant development,~~ a comprehensive sign package shall be provided for the property, and approved through design review.
2. For tenants of complex/or centers ~~and multi tenant developments,~~ sign permits will only be issued for signs that comply with the previously approved comprehensive sign package, or receive approval through design review.

(Provides consistent language, but doesn't change the intent or effect of this section)

G. Directory Sign. Directory sign requirements are as follows:

1. Properties occupied by three (3) or more buildings shall have an internally illuminated directory that shows the street address, layout of the complex, the location of the viewer and the unit designations within the complex. Directories shall be sufficient in number and placed in locations to insure that law enforcement and emergency personnel can easily locate a particular address or individual unit;
2. Shall not exceed six (6) feet in height or twenty-four (24) square feet in area;
3. Shall not include any advertising copy; and
4. A sign permit is required.

H. Flags. Flag requirements are as follows:

1. Flag poles shall not exceed thirty-five (35) feet in height. A maximum of three (3) flagpoles are allowed on a site;
2. Any flag flown in conjunction with the United States or State of Arizona flag shall be flown beneath them and shall not exceed them in size;
3. Flag illumination (refer to lighting Section 4-805A2); and
4. A sign permit is not required.

I. Freestanding Identification Sign. Freestanding identification sign requirements are as follows:

1. Single use buildings on their own lot and all complexes and centers are allowed a minimum one (1) freestanding sign per street frontage, or one (1) freestanding sign for every three hundred (300) feet of street frontage, whichever is greater;

~~2. All complex/centers/multi-tenant buildings are allowed one (1) freestanding sign per street frontage;~~

~~a. May include one (1) additional freestanding sign for every three hundred (300) feet after the initial six hundred (600) feet, measured from the intersection of the projected property lines.~~

(The modifications to 1 and 2 above are intended to clarify what properties are allowed freestanding signs and how many they may have.)

3.2. Maximum height, including any supporting structures, shall be eight (8) feet, and maximum area shall be twenty-four (24) square feet;

4.3. May identify a center or building, and a maximum of four (4) tenants;

5.4. Shall have monument-type bases of masonry construction or other architectural grade material approved through design review;

6.5. Address numerals shall be included on all freestanding sign structures, except subdivision identification signs. The numerals shall be at least four (4) inches in height; and

7.6. A sign permit is required.

(Number changes to reflect deletion of #2 above)

J. Freeway Sign. Freeway sign requirements are as follows:

1. Freestanding.

- a. Any property or center with more than one thousand (1,000) feet of lineal frontage adjacent to a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such signs;
- b. One (1) freestanding sign per freeway frontage;
- c. Maximum height, including any supporting structures, shall be thirty-five (35) feet, and maximum sign area shall be one hundred twenty (120) square feet;
- d. Sign must be located within three hundred (300) feet of freeway right-of-way;
- e. May identify a center or building, and a maximum of four (4) tenants; and
- f. A sign permit is required.

2. Building Mounted.

- a. Any building, except residential, located within three hundred (300) feet of a freeway right-of-way (I-10, US 60, Loop 202, Loop 101 and SR 143), may have such signs;
- b. The maximum total area for building mounted freeway signs on the premises may be equal to two (2) square feet of sign area for every lineal foot of building frontage adjacent to the freeway. Allocation of the total sign area to individual tenants shall be determined through a comprehensive sign package, approved by design review; and
- c. A sign permit is required.

K. Future Development Sign. Future development sign requirements are as follows:

Table 6-101A – Applications by Decision Body and Type of Procedure¹

Type of Procedure	Decision Body	DS MGR	Original	HO	BA	DRB	PZ	RRC	CC	Superior Court	Nghd. Meeting	Code Reference
Abatements				D	A					A		ZDC 6-311
Annexation									D			ARS 9-471
Code Interpretation/ Similar use Rulings		D			A					A		ZDC 6-301
Code Text Amendment							Rev	Rev	D	A		ZDC 6-305
<u>Development Plan Review</u> <u>(Name change to clarify process)</u>												
Major (all new development & expansions over 5,000 square feet, except single-family homes not included in a PAD)						D		D	A	A		ZDC 6-307
Minor (expansions up to 5,000 square feet or 20% of existing building, which ever is less; and two- and three-family dwelling projects)	D					A		A	A	A		ZDC 6-307
General Plan Amendment							Rev	Rev	D	A	Yes	ZDC 6-303
Major Amendment							Rev	Rev	D	A	Yes	ZDC 6-303
Lot Line Adjustment									D			TCC 30
Lot Split	D								A			TCC 30
Modify Approved Plan, PAD or Condition of Approval:												
Major Modification			D							A	Yes	ZDC 6-313
Minor Modification	D		A							A		ZDC 6-313
Planned Area Developments (PADs), and PAD Amendments						D	DRy	D	A		Yes	ZDC 6-306
Preliminary Review Process	D											ZDC 6-302
Shared Parking Approvals	D	D			A					A		ZDC 6-312
Sign Permit	D					A			A			ZDC 4-904
Subdivision							Rev		D			TCC 30

1. Where this Code identifies more than one possible decision or appeal body, the Development Services Manager shall determine which body is applicable to a particular project.
2. Review or decision-making body determined by project location for the RRC.

(Changes to processing of PAD, Use Permits, and Variances reflect the proposed change to Planning Commission authority to remain a recommending body not a decision-making body.)

(Change in shared parking corrects a typo.)

KEY

DS MGR = Development Service Manager or his or her designee

ZA = Zoning Administrator

ORIGINAL = Decision body that made the original decision (modifications)

HO = Hearing Officer

BA = Board of Adjustment

DRB = Design Review Board

PZ = Planning and Zoning Commission

RRC = Redevelopment Review Commission

CC = City Council

Rev = Reviews and recommends action to City Council

D = Decision-making body

A = Appeal Authority

Nghd. Meeting = Neighborhood Meeting

Table 6-101A – Applications by Decision Body and Type of Procedure¹

Type of Procedure	Decision Body	District	Origin	HO	EA	DRB	PZ	RRCA	CC	Superior Court	Public Meeting	Code Reference
Time Extension		D		D								ZDC 6-901
Use Permit				D	D/A		DRe v	D	D/A	A	Yes	ZDC 6-309
Variance				D	D/A		DRe v	D	D/A	A	Yes	ZDC 6-310
Zoning Map (including Overlay District) Amendments (Re-Zoning) and Code Text Amendments (See section 6-305 for explanation)							Rev	Rev	D	A	Yes	ZDC 6-305

CHAPTER 2 – APPLICATION SUBMITTAL AND REVIEW

Section 6-201 Initiation and Withdrawal of Application.

Section 6-202 Application Submittal.

Section 6-203 Application Acceptance.

Section 6-204 Administrative Review.

Section 6-205 Public Meeting Review.

Section 6-206 Public Hearing Review.

Section 6-207 Legislative Review.

Section 6-201 Initiation and Withdrawal of Application.

A. Initiation of Application. An application may be initiated under this Code by the City Council or a property owner. The property owner's written authorization shall be required for all applications, except that the City Council may initiate an application without the owner's authorization for a zoning (zoning district) amendment.

B. Withdrawal. An applicant may withdraw an application at any time or the Development Services Manager may withdraw an application at the request of the applicant.

Section 6-202 Application Submittal.

A. Application Forms and Submittal Requirements. Applications under the Tempe Zoning and Development Code shall be submitted to the Development Services Department, in accordance with the format and upon such forms as

CHAPTER 3 – APPLICATIONS

- Section 6-301** **Code Interpretations and Similar Use Rulings.**
- Section 6-302** **Preliminary Review Process.**
- Section 6-303** **General Plan Amendment.**
- Section 6-304** **Specific Area Plan.**
- Section 6-305** **Zoning Map (including Overlay District) Amendments and Code Text Amendments.**
- Section 6-306** **Planned Area Development.**
- Section 6-307** **Development Plan Review.**
- Section 6-308** **Subdivisions, Lot Splits and Adjustments.**
- Section 6-309** **Use Permit.**
- Section 6-310** **Variances.**
- Section 6-311** **Abatement.**
- Section 6-312** **Shared Parking.**
- Section 6-313** **Modify Approved Plan, PAD, Use Permit, or Condition of Approval.**
- Section 6-314** **Security Plan.**

Section 6-301 Code Interpretations and Similar Use Rulings.

- A. Purpose.** Any use not appearing in this code which is similar to, and not more detrimental than the uses permitted herein, as determined by the Zoning Administrator, may be permitted based on a code interpretation and similar use ruling.
- B. Procedure.** Code interpretations and similar use rulings are processed as administrative review decisions by the Zoning Administrator. Decisions by the Zoning Administrator may be appealed to the Board of Adjustment. (Please refer to the Development Services Department for application requirements.)

- C. **Approval Criteria.** The decision-making body shall base its decision on the definitions and other provisions contained in this Code, relevant city policy, and/or any applicable State or Federal law or case law.
- D. **Record.** Code interpretations and similar use rulings shall be catalogued and kept in the Zoning and Development Code Appendix.

Section 6-302 Preliminary Review Process.

- A. **Purpose.** The purpose of the preliminary review is intended to acquaint the prospective applicant or applicant's representative(s) with the requirements of this Code, the General Plan and other relevant city policies and regulations. Preliminary review is intended to be informative and identify potential issues. Applications must comply with the standards in effect at the time of application submittal.
- B. **Applicability.** The preliminary review is required for major development plans, PADs, and subdivisions, but is not required for single-family dwellings or structures that are accessory to a single-family dwelling. Minor development plans and exterior modifications to existing development may require preliminary review upon determination of the Development Services Manager. A preliminary review may also be held if requested by the prospective applicant or applicant's representative for any proposal.
- C. **Application Requirements.** The applicant or applicant's representative is responsible for providing information to the city that is sufficient to describe the proposed use and/or development. (Please refer to the Development Services Department for application requirements.)
- D. **Preliminary Review Conference.** Staff from the reviewing city departments and divisions will provide comments. After the plans have been compiled, staff will contact the applicant or applicant's representative to schedule a preliminary review conference, which shall be held at the Development Services Department by appointment. Staff will review the comments with the applicant or applicant's representative at the preliminary review conference and provide information on city code requirements, procedures, and other relevant city policies and regulations.

Section 6-303 General Plan Amendment.

- A. **Purpose.** The General Plan is an evolving document that is designed to change based on community needs. The purpose of a General Plan amendment is to facilitate reasonable changes in effort to maintain a livable and sustainable urban environment that is sensitive to issues that impact where people live, learn, work and play.
- B. **Applicability.** There are two (2) types of amendments to the General Plan, amendments and major amendments. Any change to the maps or text of the

General Plan, is an amendment to the General Plan. Community Plans and Specific Plans are amendments to the General Plan. Any change determined by the Development Services Manager to be a major amendment has additional processing requirements. A proposed plan or project would require a major amendment to the General Plan if any one (1) of the following apply:

~~1. The plan is a specific area plan, as provided in Section 6-304;~~

2.1. The plan or project results in significant alteration to or deviation from the Water Master Plan;

3.2. The plan or project results in significant alteration to or deviation from the Comprehensive Transportation Plan; and

4.3. The plan or project decreases the acreage of any projected land use at the time of application by the following criteria:

- a. Residential land use by one percent (1%);
- b. Open space land use by one percent (1%); or
- c. Any other land use category by two percent (2%).

(For the acreage resulting in a major amendment, see the land use element chart of projected land uses, which is subject to update. Calculation will be made with the most updated data at the time of application.)

(The above changes to the applicability section are proposed to provide consistent language with proposed code and the General Plan.)

C. Procedure.

1. Application Submittal to Commission:

- a. Amendments. Shall be processed to the Planning and Zoning Commission or Redevelopment Review Commission, as applicable, for at least one (1) public hearing, using the public hearing procedure in Section 6-206; and
- b. Major amendments. Shall be processed to the Planning and Zoning Commission or Redevelopment Review Commission, as applicable, for two (2) or more public hearings, using the public hearing procedure. Hearings shall be in different locations to encourage community participation.

2. Application Forwarded to Council:

- a. Amendments. Shall be presented to City Council during at least one (1) public hearing, for the amendment and resolution;

maintain the notice once it has been placed on the subject property; and

- v. If modifying a map, then mailed notification of public hearings shall be sent not less than fifteen (15) and not more than thirty (30) calendar days before the first hearing to:
 - a. The applicant or representative and the owners of the subject property;
 - b. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant; and
 - c. The chairperson of the registered neighborhood association(s) and home owners association(s) in which subject property is located.

D. Approval Criteria. No General Plan amendment shall be approved unless it has substantial conformance with the criteria below, and any other criteria determined by the City Council.

- 1. Appropriate short- and long- term public benefits;
- 2. Minimal negative impacts on land use, water infrastructure or transportation;
- 3. Helps the city attain applicable objectives of the General Plan;
- 4. Provides rights-of-way, transit facilities, open space, recreational amenities or public art;
- 5. Potentially negative influences are mitigated and deemed acceptable by the City Council; and
- 6. Judgment of the appropriateness of the amendment with regard to market demands, and impacts on surrounding area, service, fiscal, traffic, historic properties, utilities and public facilities.

State law reference – ARS 9-461.06 Adoption and amendment of General Plan

Section 6-304 Specific Area Plan.

Reserved for Specific Plan processing and amendments.

(This section has been deleted based on public input. However we have reserved this section of the code for how to process a Specific Plan once a revised procedure has been developed. A commitment has been established that the Neighborhood Advisory Commission, a consultant and staff will create a policy document to establish procedures for creating a Specific Plan. Once that policy manual is established we can

then amend the code and create an adoption and amendment process for Specific Plans.)

~~A.Purpose.~~ A Specific Area Plan (SAP) is a policy plan that amends the General Plan and may also be used as the basis to establish an overlay district through a zoning amendment. The SAP provides criteria and guidelines deemed necessary or desirable to provide specificity for planning in a particular area. An overlay district contains regulations that implement and enforce the SAP.

~~B.Applicability.~~ SAPs may be initiated by the property owner(s) within an area requesting a SAP. The following criteria must be met:

- ~~1.Minimum of one hundred (100) contiguous acres to the nearest property line (including all rights of way, streets, alleys, parks and other publicly owned land);~~
- ~~2.Identified need for a SAP, such as special or unique local conditions warranting more detailed attention than offered by the General Plan; or problems that conventional planning techniques, or market forces have been unable to address; or perceptions of the area (noise, crime, traffic) that may impact desirability or quality of life of the area; and~~
- ~~3.Signatures of the private property owners supporting the need and initiation of a SAP must be submitted from thirty three percent (33%) of the properties within the proposed plan area. Only one (1) owner's signature per property parcel is permitted.~~

~~C.Procedure.~~ All planning, production and notification costs to be incurred by the applicant. Requests for staff assisted planning requires a request to Council for prioritization and funding. This section describes the procedures for developing a SAP, including public participation requirements.

~~1.Prior to creating a SAP:~~

- ~~a.At least thirty (30) days before initiation of a SAP process, a meeting shall be held in or near the subject area to inform interested persons of the possible initiation of a SAP and the procedures to be followed during preparation and review of the proposed plan;~~
- ~~b.At least fifteen (15) days prior to the meeting, mailed written notice shall be made to all property owners in and within three hundred (300) feet of the proposed area, (excluding streets, alleys and rights of ways), homeowners and neighborhood association chair persons, and applicable boards and commissions;~~
- ~~c.At least fifteen (15) days before the meeting, notice of the meeting shall be published once in a newspaper of general circulation and posted in the area proposed to be included in the SAP; and~~

- ~~d. Prior to initiating the SAP, the area must be defined and signatures of thirty three percent (33%) of the properties must be collected as defined in Section 6-304B above.~~

~~2. Creating a SAP:~~

- ~~a. Collection of data and inventory of existing conditions such as population, facilities, services, open space, natural and cultural resources, real estate trends, etc.;~~
- ~~b. Identification of opportunities and constraints;~~
- ~~c. Notification of property owners in and within three hundred (300) feet of the area, homeowners and neighborhood association chair persons, businesses, schools, civic and faith groups within the area will be invited to attend an issue identification and visioning meeting;~~
- ~~d. Additional meetings may be held as necessary to develop the document. Attendance and comments from all meetings must be documented as part of the public process;~~
- ~~e. Create document with goals, objectives and implementation strategies following format of General Plan; and~~
- ~~f. Print and distribute plan at a final meeting publicized through mailing and advertising process used in subsection 1 above.~~

~~3. Processing a SAP:~~

- ~~a. The applicant shall submit the application, pre plan signatures (33% of all properties) and all comments received to the Planning and Zoning Commission or Redevelopment Review Commission as applicable for their review and recommendation;~~
- ~~b. A SAP is a major amendment to the General Plan. Such amendments must have two (2) or more public hearings before the appropriate commission and the City Council;~~
- ~~i. See Section 6-303C for procedures for major amendments to the General Plan;~~
- ~~ii. See Section 6-404 for notice for public hearings;~~
- ~~iii. See Section 6-502A for public hearing process;~~
- ~~iv. The final hearing must be scheduled with all other major amendments at one hearing held in the month of October, at a date determined by the Council;~~

~~v. The City Council may adopt the plan concurrent with the overlay district (if one is created). Overlay districts with a SAP are processed as zoning amendments (see Section 6-305 for zoning application requirements); and~~

~~e. If the owners of twenty percent (20%) or more of the total private properties in the SAP area, combined with the private properties within one hundred fifty (150) feet from the SAP boundary, file a protest, the SAP shall be terminated. Written protests must be submitted within fourteen (14) days of Commission action.~~

D. Approval Criteria. A SAP must meet the following criteria for approval:

- ~~1. Benefits the community by promoting public health, safety, welfare, aesthetics and efficient use of land within and adjacent to the planning area;~~
- ~~2. Minimal negative impacts to the balance of the city;~~
- ~~3. Substantial compliance with the General Plan;~~
- ~~4. Technically feasible; and~~
- ~~5. Supermajority affirmative vote two thirds (2/3) of City Council.~~

E. Amendment. ~~Applicants for amendments must demonstrate ownership, or authorization to act on behalf of the owner of the property that is directly affected by the portion of the plan proposed for amendment. Specific Area Plans may be amended as part of the General Plan, see Section 6-303 for General Plan amendment process.~~

Section 6-305 Zoning Map (including Overlay District) Amendments and Code Text Amendments.

(This modification clarifies that any overlay zoning is processed as a zoning map amendment.)

- A. Purpose.** The regulations and boundaries of zoning districts set forth in this Code may be amended whenever deemed necessary to best serve the public interest, and the health, comfort, convenience, safety, and general welfare of the city.
- B. Applicability.** Amendments to the text or zoning map of this Code shall not be made except through the adoption of an amending code by the City Council and following the procedure prescribed in this Code.
- C. Procedure.** An application for zoning map or code text amendment shall be made as a written request submitted to the Development Services Manager. The written request shall specify the nature of the amendment with pertinent details to explain or support the request. Requests for zoning map or code text

amendments shall be taken to the Planning and Zoning Commission or Redevelopment Review Commission by the owner or owners of real property situated in the city or by any officer, department, board or commission of the city, or by the City Council, under its own motion. In addition the following are required:

1. Applications for the following zoning districts shall require simultaneous processing of a PAD: R1-PAD, PCC-1, PCC-2, RCC, MU-1, MU-2, MU-3, and MU-4.
2. Applications for CSS and all multi-family zoning districts shall require simultaneous processing of a development plan.
3. Planning and Zoning Commission or Redevelopment Review Commission Review and Recommendation. The commission shall review the request and make a recommendation to City Council in a public hearing. The recommendation of approval of any amendment by the commission shall be based on a finding of consistency and conformance with the General Plan and may include conditions of approval.
4. City Council Review and Approval Criteria. Approval by the City Council of an amendment shall be based on a finding that the zoning amendment is in the public interest and is consistent and conforms with the General Plan. Any approval may be subject to such conditions as the council deems applicable in order to fully carry out the provisions and intent of this Code.

State law reference—Zoning amendments, procedures, A.R.S. §9-462.01, §9-462.03, §9-462.04.

Section 6-306 Planned Area Development.

A. Purpose. Planned Area Developments (PADs) allow an applicant to establish development rights, i.e., uses, variances, etc., and develop a project in phases. PADs are not subdivisions and are not intended for the dedication of right-of-way.

B. Applicability.

1. Applications for the following zoning districts shall require simultaneous processing of a PAD: R1-PAD, PCC-1, PCC-2, RCC, MU-1, MU-2, MU-3, and MU-4; and
2. Projects in all other zoning districts may request a PAD.

C. Procedure.

1. PADs shall be processed to the Planning and Zoning Commission (PZ) or Redevelopment Review Commission (RRC), as applicable, using the

public hearing procedure. PADs shall also be processed to the City Council, using the public hearing procedure, after review and recommendation by the PZ, or, when part of a zoning map amendment or appeal of PZ or RRC action;

(This change reflects the proposal to maintain the PZ as a recommending body not as a decision-making body.)

2. Modifications. Once a PAD request has been approved and recorded, it can be modified or amended per Section 6-313. Questions as to procedure for modifications to existing PADs shall be determined by the Zoning Administrator;
3. Recordation. Recordation shall occur per Section 6-306E.; and
4. Design Review Board (DRB). DRB approval is required prior to issuance of building permits.

D. Approval Criteria. Approval of a PAD requires conformance with the standards in subsections 1-4, below.

1. The allowable land uses in Part 3;
2. The development standards in Part 4;
3. Any applicable overlay zone provisions in Part 5; and
4. The decision-making body may impose reasonable conditions to ensure conformance with these provisions.

E. Recordation. After approval by the decision-making body, the applicant shall complete all required revisions to the PAD and return it to the Development Services Department (DSD). The DSD shall place the PAD on record in the office of the county recorder of Maricopa County. Recordation shall occur within one (1) year of the approval by the decision-making body. Failure to be recorded within one (1) year of approval, when due to the applicant's request, action or inaction, shall render such PAD null and void. The PAD shall not be void if, in the opinion of the council, the applicant is making a good faith effort toward recordation or the applicant has applied for an extension under Section 6-901.

F. Property Owners Associations. If a property owners association(s) is required, the covenants and restrictions shall include all applicable requirements under the Tempe City Code, and shall be reviewed by the City Attorney and Development Services Manager to determine if the association will remain responsible for maintaining common areas within the development. Such covenants and restrictions shall be recorded.

Section 6-307 Development Plan Review.

A. Purpose. Development plan review is intended to encourage, protect and enhance the functional and attractive appearance of the City of Tempe. The city recognizes that the creation of a desirable environment throughout the city for residents, businesses, and industry is a prime requisite for the preservation of property values; for the development of functional and compatible uses and buildings; and for the preservation of public health, safety and general values.

B. Applicability. Development plan applications shall be reviewed as followed:

1. Major Development Plan Review. Applies to all new development, and expansions over five thousand (5,000) square feet gross floor area, except single-family homes not included in a PAD and two (2) and three (3) family dwellings.
2. Minor Development Plan Review. Applies to any modifications, or expansions up to five thousand (5,000) square feet of gross floor area or twenty percent (20%) of the existing building area, which ever is less; and two (2) and three (3) family dwellings.

(This change is proposed to clarify when a minor development plan review is required.)

C. Procedure. Major development plan reviews are processed as public meetings through the Design Review Board (DRB) or Redevelopment Review Commission (RRC) when located in the RRC boundary area. Minor development plan reviews are processed as administrative review decisions through the Development Services Manager. Appeals to minor development plans shall be processed through the DRB or RRC as applicable.

D. Approval Criteria. Development plan approval requires conformance with the standards and criteria in subsections 1 and 2, below. The decision-making body shall use the following criteria in evaluating the development plan.

1. The following design criteria:
 - a. The placement of buildings reinforces and provides variety in the street wall, maximizes natural surveillance and visibility of pedestrian areas (building entrances, pathways, parking areas, etc.), enhances the character of the surrounding area, and facilitates pedestrian access and circulation;
 - b. Shade for energy conservation and comfort is an integral part of the design;
 - c. Materials are of superior quality and compatible with the surroundings;

- d. Buildings and landscape elements have proper scale with the site and surroundings;
- e. Large building masses are broken into smaller components that create a human-scale as viewed from the sidewalk;
- f. Buildings have a clear base and top, as identified by ground floor elements, roof forms, and detailing;
- g. Building facades have architectural detail and contain windows at the ground level to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility;
- h. Special treatment of doors, windows, doorways and walkways (proportionality, scale, materials, rhythm, etc.) contributes to attractive public spaces;
- i. On-site utilities are placed underground;
- j. Clear and well lighted walkways connect building entrances to one another and to adjacent sidewalks;
- k. Accessibility is provided in conformance with the Americans With Disabilities Act (ADA);
- l. Plans take into account pleasant and convenient access to multi modal transportation options, and support the potential for transit patronage;
- m. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses. Traffic impacts are minimized, in conformance with city transportation policies, plans, and design criteria;
- n. Safe and orderly circulation separates pedestrian and bicycles from vehicular traffic. Projects should be consistent with the Tempe Pedestrian and Bicycle Facility Guidelines, contained the Comprehensive Transportation Plan;
- o. Plans appropriately integrate crime prevention principles such as territoriality, natural surveillance, access control, activity support, and maintenance;
- p. Landscaping accents and separates parking, buildings, driveways and pedestrian walkways;
- q. Signs must have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located. The decision-making body

~~shall consider the following: appropriate scale, color, and design based on location, site use, adjacent buildings and signs; and~~

1. Sign copy shall provide contrast with its background;
2. Sign area and copy shall be proportional to the size of the building element on which it is located; and
3. Signs for complex or centers shall utilize materials which are complementary to the building and to the other signs on the premises.

(This change is intended to give the DRB objective standards when reviewing signs.)

- r. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects.
2. The decision-making body may impose reasonable conditions to ensure conformance with these provisions.

E. Time Limitations. Development plan approval shall be void if the development is not commenced or if a building permit has not been obtained, whichever is applicable, within twelve (12) months of such granting or within the time stipulated by the decision-making body.

Section 6-308 Subdivisions, Lot Splits and Adjustments.

A. Purpose. The purpose of this section is to provide for the orderly growth and harmonious development of the city; to insure adequate traffic circulation through coordinated street, transit, bicycle and pedestrian systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to insure consideration for adequate sites for schools, recreation areas, and other public facilities; and to promote the conveyance of land by accurate legal description and plat.

B. Applicability.

1. Subdivision. Subdivision applies to improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land. Also, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. Subdivision also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the

Section 6-309 Use Permit.

- A. Purpose.** The purpose of Section 6-309 is to ensure the orderly use of land in conformance with the General Plan and applicable city standards where uses are proposed that may require special limitations or conditions to provide compatibility with other uses.
- B. Applicability Based on Square Feet of Use.** For use permits that are based on the square footage devoted to a particular use, the square footage will be taken as the gross floor area for the use requiring the use permit.
- C. Procedure for Use Permits Granted by the Hearing Officer or Board of Adjustment.** Except where review by the Redevelopment Review Commission applies, the following requests for use permits shall be taken to the Hearing Officer or Board of Adjustment for a public hearing, and approval, denial, or approval with conditions:
1. All use permits required in all residential districts (See Section 3-102);
 2. Use permits required for any bar which occupies less than four thousand five hundred (4,500) square feet in gross floor area;
 3. Use permits required for any other use which occupies less than ten thousand (10,000) square feet in gross floor area in all commercial and mixed-use districts except PCC-1 and PCC-2 (See Section 3-202);
 4. Use permits required for any use occupying less than twenty-thousand (20,000) square feet in gross floor area in any office/industrial district (See Section 3-302);
 5. The Zoning Administrator may direct that a request defined by subsections 1 through 4 immediately above be heard instead by the ~~Planning Commission or City Council~~ based on a review which includes but is not limited to the following factors:
(This change would reflect the recommendation to keep PZ as a recommending body not a decision-making body.)
 - a. Previous decisions by the city regarding the site on which the proposed use is located;
 - b. The probable impact of the requested use on its immediate surroundings; or
 - c. The consistency of the requested use with the projected land uses, policies and principles of the General Plan; and
- 5-6. When a use permit is combined with a variance both shall be heard by the same decision-making body.

- D. Procedure for Use Permits Granted by the ~~Planning and Zoning Commission, Redevelopment Review Commission or City Council~~.** Except where review by the Redevelopment Review Commission applies, the following requests for use permits shall be taken to the City Council for a public hearing, and approval, denial, or approval with conditions:

(This change would reflect the recommendation to keep PZ as a recommending body not a decision-making body.)

1. All use permits required in PCC-1, PCC-2, RCC, and CC;
2. Use permits required for any bar which occupies four thousand five hundred (4,500) square feet or more in gross floor area;
3. Use permits required for any other use in a commercial or mixed-use zoning which occupies ten thousand (10,000) square feet or more in gross floor area;
4. Use permits required for any use that occupies twenty thousand (20,000) square feet or more in gross floor area in every industrial zone. For use permits to exceed the allowed percent of retail in an industrial district, the square footage devoted to retail will be taken as the gross floor area for the use requiring the use permit;
5. The Zoning Administrator may direct that a request defined by subsections 1 through 4 immediately above be heard instead by the Hearing Officer or Board of Adjustment based on a review which includes but is not limited to the following factors:
 - d.a. Previous decisions by the city regarding the site on which the proposed use is located;
 - e.b. The probable impact of the requested use on its immediate surroundings; or
 - f.c. The consistency of the requested use with the projected land uses, policies and principles of the General Plan; and

(The above is correction of typos)

6. When a use permit is combined with a variance both shall be heard by the same decision-making body.
- E. First Amendment.** A use permit request for any activity that is protected by the First Amendment shall be heard by the decision-making body at the next regularly-scheduled public hearing complying with legal notice requirements following submittal of a complete application for such a permit. No continuances or other delays in such processing may occur without the concurrence of the applicant for such permit, provided that there is sufficient time to complete any public notification requirement. If approved, the use shall be commenced within one (1) year.

F. Approval Criteria.

1. A use permit shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any building which is involved, will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirements, or standards prescribed therefor by this Code.
2. In arriving at the above determination, the following factors shall be considered, but not be limited to:
 - a. Any significant increase in vehicular or pedestrian traffic;
 - b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan;
 - ~~g.d.~~ Compatibility with existing surrounding structures and uses; and
 - ~~h.e.~~ Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

(Typo correction)

3. The decision-making body may impose reasonable conditions to ensure conformance with these provisions.

G. Burden of Proof. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. A refusal of a use permit shall not be interpreted as the denial of a right, conditional or otherwise.

H. Conditions. Any use permit granted may be subject to conditions the decision-making body deems applicable in order to fully carry out the provisions and intent of the Code, including, but not limited to:

1. Limit the hours, days, place and/or manner of operation;
2. Require site or architectural design features that minimize impacts due to removal of vegetation, noise, vibration, exhaust/emissions, light, glare, erosion, water quality impacts, odor and/or dust;
3. Require landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;

4. Designate the size, number, location and/or design of vehicle access points or parking areas;
5. Require additional setbacks and planting if deemed necessary; and
6. Limit the building height, size or lot coverage, and/or location on the site.

I. Effect of Use Permit.

1. The use permit is valid and operable only for the specific use as granted and subject to any specified time limit. No use may be modified, changed, altered or increased in intensity, in a manner that conflicts with the use permit and/or required conditions of approval, without approval of a new use permit.

J. Use Modifications. See Section 6-313.

K. Use Permit Time Limitation. Use permits shall be void if the use is not commenced within twelve (12) months of such granting or within the time stipulated by the decision-making body.

~~**L. Exceptions and Special Use Permit Provisions.** Outdoor retailing related to special sporting events. Outdoor displays and outdoor retailing of merchandise related to special sporting events, as defined below, may be allowed on commercially used property in the CSS, PCC 1, PCC 2, CC, and RCC districts on a temporary basis, and without a use permit, if:~~

- ~~1. A temporary sports paraphernalia vending permit has been issued by the Management Services Department, after approval by the Development Services and Public Works Departments, for a fee established by the City Council;~~
- ~~2. The permittee is in compliance with all regulations related to such permit and all applicable codes and laws;~~
- ~~3. Each temporary permit is valid for a period not to exceed thirty (30) days, one of which days includes the date of a special sporting event as defined herein. The permit must be posted on the site and must be available for inspection at all times during operation;~~
- ~~4. Merchandise is limited to tangible personal property related to the special sporting event and shall comply with all applicable licensing, trademark, copyright or other requirements of law. It may not include food or beverage products; and~~
- ~~5. The applicant submits a written application and development plan for review and approval by the city, which shall include, but not be limited to layout, location, size, height, signage, description of merchandise, date~~

~~and name of the special sporting event, off street parking and traffic plan, utility services to be utilized or required, improvements and structures on the site, approval of property owner for the intended use, the permit fee and sales tax license fee, and other information requested by the city. In reviewing applications, the city may utilize any acceptable criteria for approval of the application and development plan, including such criteria as those utilized for issuance of use, signs, traffic or right-of-way permits, and other vending or licensing standards currently established by city code and administration. Except for city owned property, the following requirements apply:~~

- ~~a. Display or retail activities shall be conducted at least ten (10) feet away from any public property or city right of way;~~
- ~~b. No traffic or sight obstruction or restriction is permitted;~~
- ~~c. Display or retail activity may only occur on an improved area adjacent to an existing permanent structure on the site. "Improved area" is defined as an area having a surface of asphalt, concrete, crushed rock, gravel, masonry or wood, maintained free of all vegetation and contained within a permanent curb or border, unless otherwise approved by the city;~~
- ~~d. No display or retail activity may occur upon or interfere with landscaping at or adjacent to the site;~~
- ~~e. A copy of approved tent permit, if applicable, and any other required city permits or licenses;~~
- ~~f. No permit will be issued for, nor will outdoor display or retailing be allowed on, any property abutting or within the area bounded by Priest, McClintock, Rio Salado Parkway and the Red Mountain Freeway, in the Rio Salado Overlay District, unless otherwise approved by the city;~~
- ~~g. No outdoor retail or display is permitted during or within the perimeters of the New Year's Eve Block Party or the Super Bowl Street Spectacular unless approved as part of the special event permit for those events;~~
- ~~h. Display or retail area shall be kept neat, clean and hazard free during any hours of operation. Permittee is responsible for litter pickup and disposal within a fifty (50) foot circumference of the display/retail activities; and~~
- ~~i. Special sporting event means the Fiesta Bowl, the Super Bowl, the playoffs for professional basketball, football or baseball, or any other special sporting event so designated by the City Council.~~

~~City code reference~~ See TCC §5-2, special event permits.

(This section is no longer necessary. Regulations for these uses are in other city codes and this section creates confusion.)

Section 6-310 Variances.

- A. Purpose.** This section provides for relief from the standards of this Code when needed because of circumstances applicable to a property, including its size, shape, topography, location or surroundings, where the strict application of this Code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
- B. Applicability.** Variances are applicable to quantified standards (e.g., setbacks, height, lot areas, dimensions, etc.) and non-quantified standards. Variances are not applicable to guidelines as specifically identified in this Code. Any variance granted shall not:
1. Make any changes in the uses and densities permitted in any zoning classification or zoning district;
 2. Be for the purpose of rectifying a special circumstance, which was self-imposed by the property owner or applicant; or
 3. Allow relief from any item expressly prohibited by this Code.
- C. Procedure.** Requests for variances from the terms of this Code shall be processed as a public hearing procedure to the decision-making body as provided in Section 6-101.
- D. Decision-Making Bodies.** The Hearing Officer, Board of Adjustment, ~~Planning and Zoning Commission~~, Redevelopment Review Commission, and City Council may decide variance requests. When a use permit is combined with a variance, both shall be heard by the same decision-making body.
(This change would reflect the recommendation to keep PZ as a recommending body not a decision-making body.)

State law reference—Variances, power to grant, A.R.S. §9-462.06.

- E. Approval Criteria.** A variance shall not be authorized unless the ~~decision~~ decision-making body finds upon sufficient evidence:
(Change is made to reflect consistent use of the term "decision-making body")

1. That there are special circumstances or conditions applying to the land, building or use referred to in the application;
2. That authorizing the variance is necessary for the preservation and enjoyment of substantial property rights;
3. That authorizing the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general; and, if applicable

Section 6-313 **Modify Approved Plan, PAD, Use Permit, or Condition of Approval.**

- A. Purpose.** This section allows an applicant to modify an approved plan or condition of approval when a project needs change.
- B. Applicability.** This section applies to all types of applications approved under this Code.
- C. Procedure.** There are ~~three~~four (4~~3~~) types of modification procedures as follows:

(Correction of a typo)

1. Minor Modifications to Approved Plans. Minor modifications are processed through an administrative review by the Development Services Manager. Minor modifications include:
 - a. An increase in the floor area proposed for non-residential use by less than ten percent (10%) where previously specified, unless such increase creates a variance;
 - b. A reduction of less than 10 percent (10%) of the area reserved for landscaping, open space, or outdoor living area, unless such reduction creates a variance;
 - c. A change to specified setback, building height, lot coverage or other quantitative requirements established in a PAD by less than 10 percent (10%); or
 - d. Changes similar to those listed in subsection (a) through (c), that are not likely to have an adverse impact on adjoining properties, as determined by the Development Services Manager.
2. Major Modifications to Approved Plans. A major modification is a significant change that exceeds the threshold(s) provided for a minor modification under 6-313C1. Major modifications shall be processed as public hearing applications. The hearing body shall be the same as the hearing body that made the original decision of approval.
3. Minor Modifications to Conditions of Approval. A minor modification is one that does not change the basic intent of the condition as determined by the Development Services Manager.
4. Major Modifications or Elimination of Conditions of Approval. A major modification changes the basic intent of the original condition as determined by the Development Services Manager or eliminates the condition. Major modifications shall be processed through the original decision-making body.

(Error of omission)

CHAPTER 4 – PUBLIC NOTICE AND STAFF REPORTS

- Section 6-401 General Provisions.**
- Section 6-402 Neighborhood Meetings.**
- Section 6-403 Notice for Public Meetings.**
- Section 6-404 Notice for Public Hearings.**
- Section 6-405 Notice of Appeals.**
- Section 6-406 Staff Reports.**

Section 6-401 General Provisions.

- A. Mailed Notices.** Notices mailed under provisions of this Code shall be mailed to property owners and neighborhood/homeowner associations, and tenants (if required) within the notification area as defined in Section 6-401B. The applicant is responsible for mailing neighborhood meeting notices (Section 6-402), and the city is responsible for mailing all other public notices under this Code (Section 6-404). The city is not responsible for receipt of mailed notices.
- B. Notification Area.** The boundary of the subject property, shall be used in determining the geographic area to be notified. For projects containing more than one parcel, or phases of a larger project, the three hundred (300) foot measurement shall be taken from the perimeter of the entire project (all phases). The Development Services Department will provide a list of recognized neighborhood and homeowner associations, within the vicinity of the project, for notification.

Section 6-402 Neighborhood Meetings.

- A. Purpose.** The purpose of the neighborhood meeting is to provide a means for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner's association representatives to review a preliminary development proposal and solicit input and exchange information about the proposed development. This preliminary meeting is intended to result in an application that is responsive to neighborhood concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. The applicant is responsible for all costs associated with the neighborhood meeting.
- B. Applicability.** A neighborhood meeting is required for the following types of applications when located within three hundred (300) feet of a residential use:

1. Use permits;
 2. Variances;
 3. Development plans, when a public hearing is required;
 4. Planned Area Developments;
 5. Major modification to an approved plan or condition of approval (when original approval made at a public hearing);
 6. Zoning map amendments; and
 7. General Plan map amendments.
- C. Meeting Schedule.** The applicant is required to hold one (1) meeting, prior to the first hearing on an application for a specific site, but may hold more if desired. The required meeting shall be held at least fifteen (15) days before the first hearing on the application.
- D. Meeting Location.** Neighborhood meetings shall be held at a location near the proposed development site. The meeting shall be held on a weekday evening, or weekends at any reasonable time and in a publicly accessible location.
- E. Notification Requirements.** Notice of the meeting shall be provided by the applicant as follows:
1. Posting not less than thirty (30) calendar days prior to the date of neighborhood meeting, a notice of the date, time and place and a summary of the request. Such notice shall be clearly legible and wherever possible, placed adjacent to the right-of-way of a public street or road. It shall not be the responsibility of the applicant or the city to maintain the notice once it has been placed on the subject property. The Development Services Department will supply the sign(s) at cost to the applicant;
 2. Mailing a notice not less than thirty (30) calendar days prior to the date of the neighborhood meeting to:
 - a. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant;
 - b. The chairperson of the registered neighborhood association(s) and home owners association(s) within the vicinity of the project; and
 - c. All tenants, within the boundary of the subject property(ies), for projects with commercial, industrial or mixed-use zoning districts.

- F. Meeting Summary.** The applicant shall submit to the Development Services Department seven (7) days before the first hearing on the matter a written summary of the issues and discussions from the meeting and the meeting notes.

(These changes should clarify that the summary of the meeting should be in writing and submitted to the department with enough time to be included in the hearing report.)

Section 6-403 Notice for Public Meetings.

- A. Purpose and Applicability.** The purpose of the public meeting is to provide a means for the Design Review Board to receive input from the public. See Section 1-307C3.
- B. Agenda as Notice of Meeting.** Agendas for all public meetings shall be posted at City Hall at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law.
- C. Notice of Decision.** Written notice of the decision made by the decision-making body in a public meeting shall be provided to the applicant and property owner (if different) and made available for public inspection at the Development Services Department.

Section 6-404 Notice for Public Hearings.

- A. Public Notice.** Public hearings shall be preceded by public notice in accordance with this section and Arizona open meeting law. Public hearings for General Plan amendments have additional notification requirements, see Section 6-303 General Plan Amendment. When multiple applications are under review for the same project, the city may simultaneously issue notice for multiple applications. Such notice may be given in the initial posting and of the initial hearing and any subsequent hearing.
- B. Agenda.** Upon receiving a complete application for action requiring a public hearing under this Code, the Development Services Manager shall place the request upon the next available agenda for a regular meeting of the decision-making body.
- C. Notification Requirements.** The Development Services Department or the City Clerk shall issue public notices for all types of hearings under this Code as follows:
1. Posting the agenda at City Hall at least twenty-four (24) hours prior to such meetings, in accordance with Arizona open meeting law;
 2. Posting not less than fifteen (15) calendar days prior to the dates of public hearings, a notice of the date, time and place of each public hearing and a summary of the request. Such notice shall be clearly

legible and wherever possible, placed adjacent to the right-of-way of a public street or road. It shall not be the responsibility of the city to maintain the notice once it has been placed on the subject property. Posting requirements do not apply to Zoning and Development Code text amendments and Administrative appeals;

(This language was left out of the original draft due to an oversight. It exists in 808 today and needs to be maintained to clarify that a text amendment is not property specific and cannot be mailed to specific addresses.)

3. Submitting for publication in the official newspaper the hearing notice, at least once, fifteen (15) days prior to the public hearing; and
4. Mailing a hearing notice not less than fifteen (15) calendar days prior to the date of each hearing to:
 - a. The applicant or representative and owners of the subject property;
 - b. All property owners of record within three hundred (300) feet of the subject property which are included on the mailing list submitted by the applicant;
 - c. The chairperson of the registered neighborhood association(s) and home owners association(s) within the vicinity of the project;
 - d. All tenants, within the boundary of the subject property(ies), for projects with commercial, industrial or mixed-use zoning districts; and
 - e. Mailing of hearing notices does not apply to Zoning and Development Code text amendments and Administrative appeals.

(This language was left out of the original draft due to an oversight. It exists in 808 today and needs to be maintained to clarify that a text amendment is not property specific and cannot be posted.)

5. If notification is required at the City Council, the City Clerk shall submit for publication in the official newspaper the request, at least once, fifteen (15) days prior to the meeting. If a Tempe City Code amendment is involved, the City Clerk shall comply with the requirements of the City Charter.

(This change clarifies which code is referenced in the sentence above.)

D. Content of Public Hearing Notice. Public hearing notices issued under Section 6-404C. shall contain:

1. The name of the applicant or owner;
2. A description of the subject property reasonably sufficient to inform the public of its location;
3. A concise description of the proposed development or use;

4. The designation of the hearing body; and
 5. The time, date and place of the hearing.
- E. Decision Notice.** Written notice of the decision of the hearing body shall be provided to the applicant and property owner (if different). The notice of decision shall contain a brief summary of the decision and conditions of approval, if any.

Section 46-405 Notice of Appeals.

(Correction of typo)

Notice of an appeal of a public meeting or public hearing shall be provided in the same manner as the original meeting or hearing.

Section 6-406 Staff Reports.

- A. Staff Reports for Boards and Commissions.** After any such request, as provided for in this Code has been placed on an agenda, the Development Services Department shall prepare a written report for the decision-making body that includes the following information:
1. The name of the applicant or initiating party;
 2. A description of the subject property or amendment, including any maps, drawings etc.;
 3. A statement of the proposed request and any history pertinent to such request or property;
 4. A statement of the observations of the personal inspection of the subject property and surrounding area; and
 5. A recommendation for disposition of the request.
- B. Staff Reports for City Council.** Any request forwarded to the City Council shall be transmitted to the City Clerk for inclusion on the agenda of a regular meeting of the City Council. A report shall accompany the request and include items in Section 6-406A1-5 and the following information:
1. A concise statement of history and facts on the processing of the request by the Development Services Department and the public hearing(s) held by the Planning and Zoning Commission, Redevelopment Review Commission, or public meeting held by the Design Review Board;
 2. The findings made by the above noted Boards or Commissions and the action taken; and

CHAPTER 5 – PUBLIC MEETINGS AND PUBLIC HEARINGS

Section 6-501 Purpose.

Section 6-502 Rules of Procedure.

Section 6-503 Record.

Section 6-501 Purpose.

This chapter provides procedures for public meetings and public hearings. It is intended to provide an efficient and effective means of public review on land use and development decisions made by the city. The provisions set forth in this chapter also are intended to encourage public dialogue and comment that is relevant to the applicable approval. All public meetings and hearings shall be open to the public and held in an accessible location and shall provide special accommodation when requested.

(Added for clarification that accessibility is an important part of the public hearing process for complete participation.)

Section 6-502 Rules of Procedure.

Public meetings and hearings shall be conducted in accordance with Section 6-502 and any rules of procedure adopted by the hearing body, so long as these procedures do not conflict.

A. Procedure. The following procedures apply to all public meetings and public hearings, except as provided for zoning amendment protests under Section 6-502C:

1. Call for the request as stated on the agenda and announce that any person believed to be affected by the request may appear and will be heard, in person or by his or her representative;
2. Hear the report and recommendation submitted by the Development Services Department;
3. Time Limits. The decision-making body may set reasonable time limits for oral presentations. The decision-making body may also determine not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony. Persons may be required to submit written testimony in lieu of oral if the decision-making body determines that a reasonable opportunity for oral presentations has been provided;
4. Hear a presentation by the applicant(s) describing the manner in which the proposal is consistent with city plans, policies, and codes;
5. Hear the relevant comments by the public regarding the application;

CHAPTER 8 – APPEALS

Section 6-801 Purpose.

Section 6-802 Parties to an Appeal.

Section 6-803 Appeal Criteria.

Section 6-801 Purpose.

This chapter provides criteria and procedures to be used whenever and applicant is aggrieved by a decision by a decision-making body.

Section 6-802 Parties to an Appeal.

Any person, entity, or group aggrieved by a decision under this Code may be parties to an appeal hearing as provided in this Section.

- A. **Public Hearing.** Such appeals shall be heard using the same procedures as the original public meeting/public hearing procedures in Part 6, Chapter 5.
- B. **Appeal Stays Proceedings.** An appeal shall stay all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the decision-making body that, by reason of the fact stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted a court of record on application and notice to the Zoning Administrator.
- C. In the event that a decision made under this Code is appealed, the appeal does not invalidate the approval. The holder of the approval may proceed with a use or development at his or her own risk.
- D. **Conditions When Granting Appeal.** Any appeal granted may be subject to such conditions as the decision-making body deems applicable.

Section 6-803 Appeal Criteria.

- A. **Appeal Criteria.** To effect an appeal, the petitioner must file an appeal petition with either the Development Services Department, ~~or City Clerk~~ or Superior Court not later than 5:00 p.m. on the appeal due date, as provided on the notice of decision.

1. The petition for appeals to the City of Tempe shall contain:

1.a. The name of the applicant and the city case file number;

2.b. The name, address and signature of each petitioner; and

3.c. The specific grounds for appeal. The appeal shall be limited to the issue(s) raised in the petition.

2. Appeals to Superior Court shall be filed per the standards of Superior Court.

(The above changes in Appeal Criteria are proposed to help clarify the difference between an appeal to the city or Superior Court.)

B. Time Limitations.

Decision Making Body	Appeal Submittal Deadline	Appeal Body
Zoning Administrator	14 Calendar Days	Hearing Officer
Hearing Officer	14 Calendar Days	Board of Adjustment
Board of Adjustment	30 Calendar Days	Maricopa County Superior Court
Planning and Zoning Commission	14 Calendar Days	City Council
Redevelopment Review Commission	14 Calendar Days	City Council
Design Review Board	14 Calendar Days	City Council
City Council	30 calendar days	Maricopa County Superior Court

C. Failure to File an Appeal. Failure to file an appeal with the Development Services Department or City Clerk as applicable, by 5:00 p.m. on the due date, shall render such appeal invalid.

CHAPTER 9 – TIME EXTENSION, REVOCATION, AND TRANSFER OF PERMITS/APPROVALS

Section 6-901 Time Extension.

Section 6-902 Revocation of a Permit/Approval.

Section 6-903 Transfer of Permits/Approvals.

Section 6-901 Time Extension.

- A. Timing of Extension.** If an extension is desired, the holder of the approval or permit must file an application for an extension no later than forty-five (45) days prior to expiration of the approval or permit.
- B. Procedure and Approval Criteria.** Extension requests shall be processed by the Development Services Manager as an administrative review decision. The Development Services Manager may refer the request to the original decision-making body that issued the original approval if different than the Development Services Manager. An extension may be granted for a maximum of one (1) year from the original date of expiration, and may be less than one (1) year if the Manager or the original decision-making body deems that a shorter timeframe is warranted. Extensions shall be granted only upon findings that:

(This is a clarification of procedure)

1. The use or development could not reasonably commence for reasons beyond the control of the permit holder;
2. The request for extension is not sought for purposes of avoiding the requirements or standards of this Code or the permit;
3. There has been no change in city standards or other circumstances likely to necessitate significant modification of the development approval or conditions of approval; and
4. The use of property, if any, conforms to applicable city codes. The city may deny an extension request if there is an existing Code violation, or impose conditions to facilitate compliance.

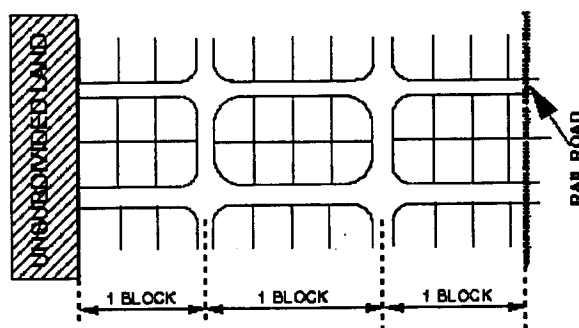
Section 6-902 Revocation of a Permit/Approval.

The city may revoke an approval or permit granted under this Code. In revoking an approval or permit, the following procedures apply:

- A. Procedure and Criteria.** Following reasonable notice to the permit/approval holder an administrative hearing shall be held to consider all relevant

Billiards hall means an establishment containing four (4) or more billiard tables and which may indulge in the sale of alcoholic beverages, as well as the operation of equipment commonly found in a video arcade.

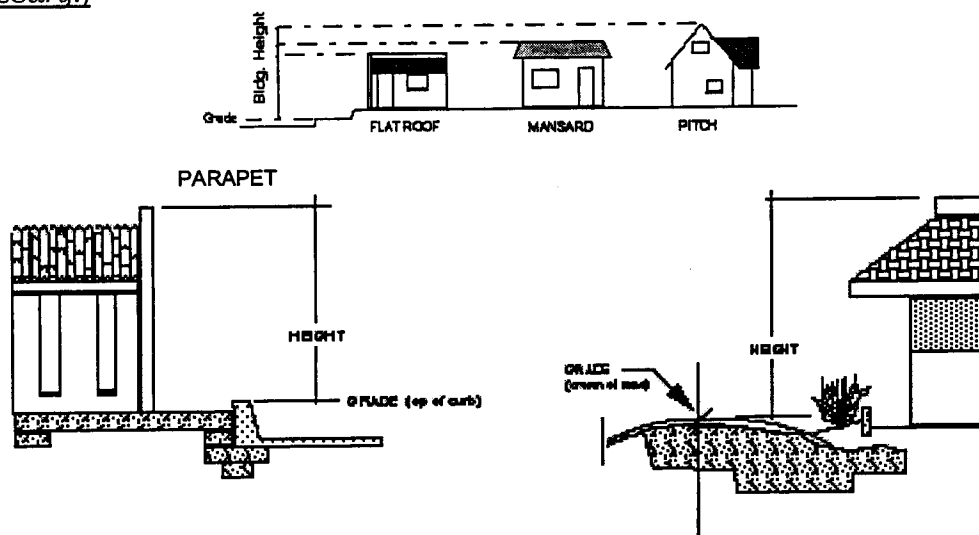
Block means that property abutting one side of a street and lying between the two (2) nearest intersecting streets, or nearest intersecting street and railroad right-of-way, unsubdivided land, or waterways, but not an alley, of such size as to interrupt the continuity of development on both sides thereof.



Building means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.

Building, enclosed means a structure completely enclosed by a roof and walls of approved construction.

Building, height means the vertical distance measured from the grade (as defined herein) or top of curb to the highest point of the roof, including any parapet. (Clarification, grade is defined as top of curb, therefore the language was confusing and not necessary.)



Building, main (also referred to as the primary building) means a building where the principal use of the lot is conducted. In any residential district, any dwelling shall be the main building of the lot; except where an accessory dwelling exists, only one dwelling, the primary dwelling, shall be deemed the main building.

Building addition means any extension or increase in floor area or height of a structure.

Business frontage means the main entrance frontage of the building or tenant space. For buildings with the main entrance at the building corner, business frontage shall be the longer of the two facades adjacent to the main entrance. For buildings located at a street corner or an end-cap tenant space the business frontage shall also include the frontage adjacent to the street(s).

(This new definition is intended to clearly define which business frontage is used when calculating allowable sign area.)

Section 7-104 "C" Definitions.

Call center means any place of business where the primary activity is telephone or computer solicitation, survey or other function that is similar.

Car wash means a car washing facility; it includes both automated and non-automated facilities, self-serve and full-serve (i.e., with and without employees on-site). Windshield repair as an accessory use.

Car wash, automated means a conveyer or automated type car washing facility that may or may not have any employees on-site.

Church means a permanently located building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship and church-related uses. See a "place of worship".

Civic use see "public uses."

Clinic means a building in which one or more physicians work including supplying pharmaceutical and optical needs, conducting medical tests, or other common ancillary uses to a medical office, without overnight patient occupancy; servicing humans (medical, dental) and small animals (veterinary).

Club, private means an institution used for athletic, social or recreational purposes and operated by a private nonprofit organization, membership to which is by written invitation and election according to qualifications in the club's charter or bylaws and the use of which is generally restricted to members and their guests.

Common wall means the abutting walls of two buildings.

Conceptual landscape plan means the same as a "landscape plan" as defined, except that shrubs, ground cover and vines may be indicated by size, quantity, name and general locations on the site.

Open space, usable means an open space, which is of appropriate size, shape, location, and topographic siting so that it provides landscaping, pedestrian access, or opportunity for outdoor recreational activity. Parking areas and driveways are not usable open spaces, except as permitted for convertible use with parking and/or open space (e.g., plaza).

Outdoor dining means a space dedicated to the adjacent restaurant for use by their patrons.

Overlay district means a special zoning district that modifies regulations in an underlying zoning district with which the overlay zoning district is combined.

Section 7-117 “P” Definitions.

Parking means parking areas for licensed motor vehicles or bicycles.

Parking affidavit means a document provided by and filed with the development services department that transfers the rights to the unqualified availability of a specific number of parking spaces from one property (which can no longer take credit for them) to another for as long as the spaces are required by ordinance.

Parking lot means a parcel of land upon which vehicle parking is provided.

Parking lot, pay lot means a parking lot where the general public may park a motor vehicle by paying a charge or fee for the usage. Includes public and private parking lots.

Parking, shared means parking which serves multiple users to meet their required parking.

Parking, structured means a covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure, where there is gross building area below the parking, but nothing above it, is structured parking. The structure can be the primary structure for a commercial parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, mobile homes, or houseboats) is a garage and is not included as structured parking.

Parking, surface means a parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Photometric plan means an engineered point by point illumination plan that shows expected security lighting levels in foot-candles of light every ten (10) feet on center. A photometric plan is required to provide lighting levels for the entire site.

(Grammar change)

9. *Sign, banner* means a sign, that is painted or displayed upon cloth or other flexible material;
 - a. *Civic banner program* means a program administered by the community special event section under direction of the City Council that is intended to support the civic and cultural programs of the city through the implementation and use of banners displayed on city property. From time to time the City Council may choose to modify the program in order to meet these goals;
10. *Sign, billboard* means the same as off-premise sign;
11. *Sign, boutique direction* means a sign of a temporary nature used to direct traffic to an in-home boutique;
12. *Sign, brand identification* means a sign that advertises a specific product or service that is sold within a business;
13. *Sign, building mounted* means a sign that is directly attached to the face of a building;
14. *Sign, ceased non-conforming* means a sign which has not been utilized or has not identified a business on the site that lacks any identifiable content for a period of twelve (12) months or more, and does not conform to the standards of this code;
(This change is recommended to clarify that the removal of vacant signs is only for those signs that are non-conforming with current standards.)
15. *Sign, changeable copy/marquee* is a sign, that utilizes changeable letters, copy or numerals;
16. *Sign, construction* means a sign that identifies the parties included in a construction project that has been granted a building permit;
17. *Sign, directional* means a sign, that includes copy offering pertinent directional information for the purpose of assisting in the flow of vehicular or pedestrian traffic;
18. *Sign, directory* means a sign that lists the name, use or location within a building, complex, or multi-tenant development;
19. *Sign, flag-mounted* means a sign that projects from the roof or wall of a building perpendicular to a wall surface;
20. *Sign, freestanding* means a sign that is erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of building;
21. *Sign, future development* means a sign, that announces the proposed development of property prior to the issuance of a building permit;

Photometric Plan

1. Photometric calculations detailing all exterior security lighting, shall be submitted and provided on a fifty percent (50%) screened landscape plan that has been approved by the Design Review Board, drawn on twenty four (24) inch by thirty six (36) inch format prepared to scale. Point to point photometric calculations shall be calculated at intervals of not more than ten (10) feet at ground level and may also be required at six (6) feet above finish grade. A copy of all cut sheets for light fixtures shall be submitted and marked as to which information and data applies to the specific luminaire, including the lamp manufacturer.
2. Include light fixture schedule on photometric plan.~~Photometric calculations detailing all exterior security lighting, shall be submitted and provided on a copy of a landscape plan that has been approved by the Design Review Board, drawn on twenty four (24) inch by thirty six (36) inch format prepared to scale. The landscape site plan shall be fifty (50) percent screened. Point to point photometric calculations shall be calculated at intervals of not more than ten (10) feet at ground level and may also be required at six (6) feet above finish grade.~~
3. A copy of all cut sheets for light fixtures shall be submitted and marked as to which information and data applies to the specific luminaire, including the lamp manufacturer.
- 3.4. Photometric calculations shall be based on the "mean" light output per the manufacturer's of the specified lamp, including ballast depreciation and contamination factors. Light Loss Factor (LLF) shall be calculated at .68 for Metal Halide (MH) and .72 for High Pressure Sodium (HPS). All luminary photometric data formatted in accordance with the Illumination Engineering Society (I.E.S.) file compiled by an approved testing laboratory.
4. ~~Photometric studies submitted to the City of Tempe's Development Services Department for approval by Building Safety and Planning will include a statement indicating that no equipment substitutions shall be installed without prior approval of the City. In specifications that include more than one specified manufacturer per site will require a photometric study from each manufacturer specified.~~
5. ~~The Consulting Engineer or Lighting Consultant shall provide the City of Tempe's Development Services Department with a letter of certification from the firm certifying the inspection. The letter will provide the date and time of the inspection and the name of the inspector. It will also include a statement certifying the approved fixtures were correctly installed, no landscape conflicts exist and the foot candle levels and uniformity approved by the City's Development Services Department for the specific site have been matched or exceeded at all locations on the site.~~
6. ~~In the case of a Consulting Engineer, a Professional Engineer registered in the State of Arizona shall stamp the letter of certification. Lighting Consultants issuing the letter of certification shall provide proof of Lighting Certification (LC) status as defined by The National Council on Qualifications for the Lighting Professionals (NCQLP) as well as proof of liability insurance.~~

(These changes are proposed to reflect the way photometric plans and studies are administered in the City of Tempe.)

REFERENCES

Arizona Department of Water Resources, Second Management Plan (Phoenix)

Arizona Nurseryman Association Standards

Arizona State Revised Statutes

City Code, City of Tempe

City of Tempe Public Works Department Standard Details

Comprehensive Transportation Plan

General Plan

Historic Preservation Plan

Historic Preservation Ordinance (Ch.14A, City Code)

Low Water Use / Drought Tolerant Plant List; ADWR.

Standard Tree Planting Detail

Tempe Electrical Code

Uniform Building Code

Zoning Map, City of Tempe

(Added for clarification purposes)